THE LAND CHARGES ACT 1925

BY

J. S. STEWART-WALLACE

AND

W. G. NOTTAGE.

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LAND CHARGES ACT, 1925.

A PRACTICAL GUIDE

TO THE

PROCEDURE

IN H.M. LAND REGISTRY

TOGETHER WITH THE FULL TEXT OF THE

ACT, RULES, FEE ORDERS, FORMS.

BY

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PREFACE.

The object of this little book is strictly limited. It is intended to be a guide to practitioners (more especially solicitors and managing clerks) and, avoiding all legal disquisition on the Act, to tell them as simply as possible exactly what they have to do, *outside* the Land Registry, to ensure that applications for registration under the Land Charges Act, 1925, are accepted when forwarded to the Land Registry.

In the introductory chapter the need for the Land Charges Act, 1925, and its place in the new scheme of conveyancing, is explained, so that the practitioner understanding what is intended to be achieved by the Act may with more insight carry it out in practice.

Each class of possible application is separately treated, and full directions regarding each class are given under each heading. While this involves considerable repetition, and would be a disadvantage in a book intended for general readers, it is hoped that this may be accounted a virtue by those engaged in the actual work of registration.

J. S. S.-W.

W. G. N.

December, 1925.

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BY

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LAND CHARGES ACT, 1925.

CHAPTER I.

INTRODUCTION.

The Land Charges Act, 1925, is an essential complement to the system of private conveyancing under which title to land is proved by deeds. In addition to such charges and incumbrances as may be revealed by an examination of these deeds, there are a whole series of onerous liabilities not imposed by any deed, and therefore unmentioned in the deeds of which a purchaser may be held to have notice, constructive or otherwise, and which therefore become binding on him. These charges may not only be onerous, they may defeat the purpose for which he bought the land; or invalidate the sale altogether. Certain of these liabilities may attach even though he is able to prove that he bought in good faith without any knowledge of them at all.

Thus, land may have been taken in execution to enforce a judgment debt, or the vendor may be an undischarged bankrupt. There may be annuities or rent charges, deeds of arrangement, many kinds of Orders of the Court and Statutory Charges, pending actions, easements and other rights affecting the land. None of these things appear in the abstract of title presented by the vendor to a purchaser, yet they may cause the purchaser to be turned out of the land he has paid for or, if he remains in possession, thrust payments or other liabilities on him of which had he been aware, he would not have bought the land. For this reason a system of private conveyancing pure and simple is clearly inadequate to meet the needs of any commercial community when the purchase and sale of land is essential to its economic life.

The problem therefore presents itself as to how this ineradicable weakness is to be overcome. How can the system be so supplemented that purchasers may buy with some measure of safety?

The method adopted for protecting purchasers, not only in England but throughout the civilised world, has been to introduce some form of public registration, and to enact that unless those charges and liabilities affecting land which are directed to be

registered are registered, they shall be void as against purchasers. But even when the principle of registration has been introduced there is the difficulty of determining the limits within which it is to be imposed. What charges and liabilities—if any—are to continue to affect purchasers even though not registered ?

The Land Charges Act, 1925, is the answer to this question so far as England and Wales are concerned. It not only consolidates a long series of Acts prescribing registration for defined classes of charges and liabilities affecting land, but itself adds classes of the first importance, such as contracts for sale, puisne mortgages and restrictive covenants. In so extending registration it is a great improvement on the previous Acts as, in so doing, it is conceived that it covers the whole field of possible charges and liabilities on land ;

(1) not revealed in the abstract of title nor ;

(2) by inspection of the ground and enquiry of the occupier.

These limits are based on an obvious and intelligible principle, yet are sufficient to give adequate protection to purchasers. Not the least of their merits is that they are easily remembered by practitioners when deciding what requires registration under the Act and what is exempt.

THREE EXCEPTIONS TO GENERAL PRINCIPLE OF ACT.

To the general principle of the Act that all charges and liabilities registerable under the Act must be registered at the Land Charges Department of H.M. Land Registry, Lincoln's Inn Fields, London, there are three important exceptions—

(1) In the case of a land charge for securing money, created by a COMPANY, registration under section 93 of the Companies (Consolidation) Act 1908 with the Registrar of Joint Stock Companies shall be sufficient in place of registration at the Land Registry.

(2) If the land is situated in YORKSHIRE then, in the case of a general equitable charge, restrictive covenant equitable easement or estate contract, registration in the appropriate local deeds registry shall be sufficient in place of registration at the Land Registry.

(3) In the case of a LOCAL LAND CHARGE (*i.e.*, charges acquired by any local authority under an Act) registration with the local authority takes the place of registration at the Land Registry.

REGISTRATION IS NOTICE ONLY.

It is of the first importance for practitioners to realise that registration under the Land Charges Act, 1925, amounts to NOTICE of certain ALLEGED charges or liabilities only (see Appendix Note J). The fact of registration in no way guarantees the validity of such charges or liabilities.

The duties of the officials of the Registry are purely ministerial. They register the particulars as given on the forms of application for registration. They have no means of deciding whether the particulars given on these forms are correct, nor whether the instruments (if any) referred to thereon are valid or otherwise. On all these points anyone receiving notice of any charges or liabilities by searching in the Registry must make such further enquiries of his vendor as may seem to him to be necessary.

This feature of registration under the Land Charges Act, 1925, must also be carefully noted by applicants for registration. Any mistake made in the form of application—say in the spelling of the name of the applicant—is made at the peril of the applicant, and may defeat the purpose of the registration. No duty is cast nor apart from a proper register of title to land—could be cast on the officials of the Registry in connection with such matters (*a*).

THE REGISTERS ARE PERSONAL AND NOT OF LAND.

It should also be noted by practitioners that registration under the Land Charges Act, 1925, is NOT AGAINST A PARTICULAR PIECE OF LAND. The registers kept in pursuance of this Act are not registers of land at all. They are purely PERSONAL registers; entries being made in them under the NAMES of estate owners against whom NOTICES of alleged charges or liabilities are registered. Consequently under the Land Charges Act, 1925, search cannot be made regarding a particular piece of land, but only against the names of the estate owners revealed by the abstract of title. The cardinal weakness of such registers is that the names of all the estate owners or other persons whose land is affected who ought to be searched against may not be revealed by the Abstract, and if not so revealed the registers in no way assist in tracing them.

DIFFERS FROM REGISTRATION OF TITLE.

Registers such as these are obviously weak and imperfect, and fall immeasurably short of the service rendered by the Land Registry when title to land is registered under the Land Registration Act, 1925. The registers thereunder are based on the Ordnance

(*a*) See Rule 13 as to modification or rectification of an entry in a Register.

map. Registrations under that Act are entered not against the name of a landowner but against a particular piece of land and all entries in the register are guaranteed by the State to be correct.

In all these ways the registers kept under the Land Charges Act, 1925, come short. They have little positive efficacy. Such protection as they give springs in essence from their mere existence. The power for purchasers to search in them has an important deterrent effect on vendors, who might otherwise fraudulently suppress the matters revealed thereby.

INSPECTION OF ALPHABETICAL INDEX, NOT OF REGISTER.

The special attention of practitioners is drawn to the Alphabetical Index, which for all practical purposes takes the place of the registers when searching. It would have been intolerable if searchers had to search in ALL the registers as expanded by the Land Charges Act, 1925, separately. A new universal alphabetical index has been constructed at the Land Registry (*a*). This index is bound up in a series of loose-leaf ledgers in which there is a card for EVERY estate owner against whom a charge, OF WHATEVER DESCRIPTION is entered, and on this card is also given all the particulars regarding the charge required to classify it, and to enable a searcher to enquire of his vendor regarding it. These cards are entered in the ledger in strictly lexicographical order, so that a search—which means the inspection of one typewritten card— is a matter of a few minutes only and covers the entries (if any) in ALL the registers. In a few cases (such as restrictive covenants) it may be desirable to inspect the register for further information. But this in practice is a comparatively rare event. It is safe to say that in the first instance instructions need only be given for a search in the Alphabetical Index AND NOT FOR A SEARCH IN THE REGISTERS. Similarly, in applying for an Official Search this may normally be confined to a search of the Alphabetical Index. If the Certificate of the result of such a search reveals any charge or liability regarding which it is considered desirable to inspect the actual register, the correct course is to apply for an Office Copy of the particular register desired.

OFFICIAL FORMS MUST BE USED.

The special attention of practitioners is also drawn to the fact that where a form of application is prescribed by the Rules, it is prescribed not only in the sense that a particular form of words

(*a*) See Rule 8, page 71, and Form L.C. 15, page 97.

must be followed, but that the actual form as supplied by H.M. Stationery Office (on payment) must be used (*a*). The reason for this is that the actual forms of application, as prepared by applicants, are themselves used for entry in the loose leaf ledgers which constitute the registers (*b*). It is therefore apparent that there must be absolute unity of size, shape, texture of paper, etc., and that applications for registration could not be accepted merely because a special form of words had been used.

LIST OF PRIOR ACTS.

The Land Charges Act, 1925, consolidates provisions relating to registration enacted by :—

The Judgments Act, 1839	2 and 3 Vic., c. 11.
The Court of Chancery (Lancaster) Act, 1850	13 and 14 Vic., c. 43.
The Judgments Act, 1855	18 Vic., c. 15.
The Law of Property Amendment Act, 1859	22 and 23 Vic., c. 35.
The Crown Debts of Judgments Act, 1860	23 and 24 Vic., c. 115.
The Lis Pendens Act, 1867	30 and 31 Vic., c. 47.
The Conveyancing Act, 1882	45 and 46 Vic., c. 39.
The Settled Land Act, 1884	47 and 48 Vic., c. 18.
The Land Charges Registration and Searches Act, 1888	51 and 52 Vic., c. 51.
The Supreme Court of Judicature (Procedure) Act, 1894	57 and 58 Vic., c. 16.
The Finance Act, 1896	59 and 60 Vic., c. 28.
The Improvement of Land Act, 1899 ...	62 and 63 Vic., c. 46.
The Land Charges Act, 1900	63 and 64 Vic., c. 47.
The Deeds of Arrangement Act, 1914 ...	4 and 5 Geo. V., c. 47.
The Law of Property Act, 1922 ...	12 and 13 Geo. V., c. 16
The Law of Property Act (Postponement), 1924	14 and 15 Geo. V., c. 4.
The Law of Property (Amendment) Act 1924	14 and 15 Geo. V., c. 5.

N.B.—Although the Land Charges Acts, 1888 and 1900, are repealed the Registers kept under these Acts are NOT CLOSED,

(*a*) See Rule 14 (2).
(*b*) This does not apply to the Register of Local Land Charges.

excepting as regards the Register of Annuities (see chapter on Annuities) but remain in being, the entries of registration under the present Act being ADDED to those registered prior to the commencement of the present Act. From 1st January, 1924, the Registers have been remodelled and kept in a somewhat different form to those prior to that date, but are in reality a continuation of the old Registers. The Registers kept under the present (1925) Act will be in the same form as those kept from 1st January, 1924, that is, they will consist of the actual applications to register, filed in the lexicographical order of the names of the Estate Owners, or other persons whose land is affected.

A guide to the system on which the applications are filed is given in the chapter on the Alphabetical Index (page 42).

CHAPTER II.

PENDING ACTIONS.

DEFINITION OF A PENDING ACTION CAPABLE OF BEING REGISTERED.

The Act provides that there may be registered in the register of pending actions any action information or proceeding pending in court RELATING to LAND or any interest in or charge on land (Section 2).

PETITION IN BANKRUPTCY.

All petitions in bankruptcy, whether or not known to affect land, are to be registered in the register of pending actions (Section2) see chapter on Bankruptcy.

EFFECT OF NEGLECT TO REGISTER A PENDING ACTION.

A pending action does not bind a purchaser without express notice thereof unless it is for the time being registered pursuant to the Act (Section 3 sub-section 1); with regard to a petition in bankruptcy it is provided that this sub-section only applies in favour of a purchaser of a legal estate in good faith for money or money's worth without notice of an available act of bankruptcy.

As respects any transfer or creation of a legal estate a petition in bankruptcy filed after the commencement of this Act which is not for the time being registered as a pending action is not notice or evidence of any act of bankruptcy therein alleged (Section 3, sub-section 2).

The title of a trustee in bankruptcy acquired after the commencement of the Act is void against a purchaser of a legal estate in good faith for money or money's worth without notice of an available act of bankruptcy claiming under a conveyance made after the date of registration of the petition in bankruptcy as a pending action, unless, at the date of the conveyance, either the registration of the pending action is in force, or the receiving order is registered pursuant to Part 3 of the Act (Section 3, sub-section 3).

HOW TO APPLY FOR REGISTRATION OF A PENDING ACTION
(As to a petition in bankruptcy see page 29).

The prescribed form of application (Form L.C. 1) must be used.

A separate form must be used for the name of EACH person to be entered on the register.

If the application is not made by a solicitor a Statutory Declaration in the prescribed form (Form L.C. 9) must be attached to the application.

The particulars required are :—

(*a*) Nature of summons or plaint.

(*b*) Situation of the land affected (where practicable).

(*c*) Name, address and description of the Estate owner or other person whose estate or interest is intended to be affected.

(*d*) The court in which the action, information or proceeding was commenced or filed and the official reference.

(*e*) The title of the action, information or proceeding.

(*f*) The date when the action, information or proceeding was commenced or filed.

(*g*) Signature, description and address of the applicant or of his solicitor (a solicitor applying is to give his name and address and the name, address and description of the applicant).

OFFICIAL ACKNOWLEDGMENT OF THE RECEIPT OF AN APPLICATION TO REGISTER A PENDING ACTION.

An official acknowledgment of the receipt of all applications to register will be given.

OFFICIAL RECORD OF REGISTRATION OF A PENDING ACTION.

To obtain an official record that a registration has been effected application should be made on the prescribed form (Form L.C. 14) for an office copy of the registration and the prescribed fee paid.

REGISTRATION OF A PENDING ACTION VALID FOR FIVE YEARS ONLY.

The registration of a pending action ceases to have effect at the expiration of five years from the date of registration, but the registration may be renewed from time to time and if renewed has effect for five years from the date of renewal (Section 2, sub-section 8).

HOW TO APPLY FOR THE RENEWAL OF THE REGISTRATION OF A PENDING ACTION.

The prescribed form of application (Form L.C. 5) must be used.

A separate form must be used for the name of each person to be entered on the register.

The particulars required are :—

(*a*) Name of the person entered on the register.

(*b*) Date of the original registration.

(*c*) The official reference number of the original registration.

(*d*) The title of the action.

(*e*) The court and the official reference number of the action.

(*f*) Signature, description and address of applicant or of his solicitor (a solicitor applying is to give his name and address and the name, address and description of the applicant).

OFFICIAL ACKNOWLEDGMENT OF THE RECEIPT OF AN APPLICATION FOR RENEWAL OF A REGISTRATION OR AN OFFICIAL RECORD OF THE REGISTRATION OF THE RENEWAL.

The same regulations apply as hereinbefore stated (page 7).

A REGISTRATION OF A PENDING ACTION MAY BE RENEWED AS REGARDS PART OF THE LAND AFFECTED.

A registration may be renewed as regards PART only of the land affected (see Appendix, Note A), in such case a full description of such part must be set out on the application form (see chapter "Description of Land Affected").

VACATION OF REGISTRATION OF A PENDING ACTION ON DISCHARGE OR SATISFACTION.

The registration of a pending action may be vacated on discharge or satisfaction pursuant to an Order of Court or judge thereof or by the plaintiff or grantee.

The application for vacation must be made on the prescribed form (Form L.C. 6) to which must be attached an office copy of the order of the court (or judge thereof) or an acknowledgment of satisfaction in the prescribed form (Form L.C. 7).

The application for vacation may be made as regards part only of the land affected (see Appendix, Note A) ; in such case a full description of such part must be set out on the application form (see chapter "Description of Land Affected").

AS TO AN ORDER OF COURT VACATING A REGISTRATION OF A PENDING ACTION.

The court, if it thinks fit, may upon the determination of the proceeding or during the pendency thereof if satisfied that the proceedings are not prosecuted in good faith make an order vacating the registration of a pending action and direct the party on whose behalf the registration was made to pay all or any of the costs and expenses occasioned by the registration and vacating thereof (Section 2, sub-section 6).

Care should be taken that the terms of the order of the court set out at least the following particulars :—

(*a*) The nature of the summons or plaint.

(*b*) The title of the action information or proceeding.

(*c*) The name of the estate owner or of the person whose land was affected.

(*d*) The official reference number in the register of pending actions.

(*e*) The directions or order to the Registrar should be clear and explicit.

THE ACT DOES NOT APPLY TO REGISTERED LAND.

The Act does not apply to pending actions if and so far as they affect registered land and can be protected under the Land Registration Act, 1925 (by lodging or registering a creditor's notice, restriction, caution, inhibition or other notice) but this provision only applies to pending actions required to be registered (or re-registered) after the commencement of the Act (Section 23).

The Registrar is under no obligation to ascertain whether or not a pending action affects registered land ; it is the duty of the applicant to discover by search of the Index Map at H.M. Land Registry whether the land is registered land or not.

CHAPTER III.

ANNUITIES AND RENT CHARGES.

DEFINITION OF AN ANNUITY OR RENT CHARGE WHICH WAS CAPABLE OF BEING REGISTERED UNDER THE LAND CHARGES ACTS, 1888 AND 1900.

An annuity under the prior Acts means a rentcharge or an annuity for one or more life or lives, or for any term of years or greater estate determinable on one or more life or lives created after the 25th day of April, 1855 and before the commencement of this Act and not being a rentcharge or an annuity created by a marriage settlement or will.

A rentcharge or an annuity falling under the above definition created AFTER the commencement of this Act or created before the commencement of this Act and not registered in the register of annuities should be registered as a Land Charge (see Chapter "Land Charges").

No rentcharge or annuity will be entered on the register of annuities after the commencement of this Act, but the present register of annuities will be kept alive until it is closed by reason of all entries therein having been vacated by discharge or satisfaction or cancellation.

VACATION OF REGISTRATION OF AN ANNUITY ON DISCHARGE OR SATISFACTION OR CESSER.

The registration of a rentcharge or annuity may be vacated on discharge or satisfaction or cesser by the grantee or by order of court or of a judge thereof.

The application must be made on the prescribed form (Form L.C. 6) to which must be attached an office copy of the order of court or of a judge thereof or an acknowledgment of satisfaction in the prescribed form (Form L.C. 7).

The executor or administrator of a grantee can fill in and sign the prescribed form of satisfaction; a certificate of the death of the grantee must be produced.

A difficulty in connection with the registration of a vacation on the application of a grantee or of his or her executor or administrator often arises owing to the fact that the particulars in the old register of annuities do not, in some cases, set out (*a*) the name of

the grantee or (*b*) the date and parties of the deed; in such cases such evidence as the Registrar may require has to be given.

There is no regulation prescribing what evidence is required as each case depends upon its circumstances. As some guidance it may be said that it will be necessary to show that a certain person was the grantee of the particular annuity the registration of which it is desired to vacate.

A statutory declaration will probably suffice, providing it is made by some reputable person who can declare, from personal knowledge, all the facts and circumstances; such statutory declaration should set out the date and parties of the deed, the date of the registration of the annuity (and its official registration reference) the amount of the annuity and the date of the last payment; it should also be stated whether or not the annuity has ever been paid to any other person on behalf or by direction of the grantee. If the application is not being made by the grantee or his or her executor or administrator an order of court or of a judge thereof is essential, unless the Registrar is satisfied (by evidence produced) that this course is unnecessary.

As the sufficiency of the evidence to be supplied is a matter for the discretion of the Registrar it is advisable, in case of doubt, to make preliminary enquiry at the Land Charges Department, H.M. Land Registry.

OFFICIAL ACKNOWLEDGMENT OF THE RECEIPT OF AN APPLICATION FOR THE REGISTRATION OF A VACATION OR AN OFFICIAL RECORD OF THE REGISTRATION.

The same regulations apply as hereinbefore stated (page 7).

VACATION OF THE REGISTRATION OF AN ANNUITY MAY BE AS TO PART ONLY OF THE LAND AFFECTED.

An application may be made to vacate a registration as regards part of the land affected (see Appendix, Note B); in such case a full description of such part must be set out in the application (see chapter "Description of Land Affected").

ORDER OF COURT OR OF A JUDGE THEREOF.

Care should be taken that the terms of an order of court or of a judge thereof set out sufficient particulars which will identify the registration it is desired to affect; when the circumstances are unusual it is desirable to submit a draft to the registry.

EFFECT OF NEGLECT TO REGISTER AN ANNUITY.

An annuity which before the commencement of this Act was capable of being registered in the register of annuities is void as against a creditor or a purchase of any interest in the land charged therewith unless the annuity is for the time being registered in the register of annuities or in the register of land charges as provided by this Act (Section 5).

CHAPTER IV.

WRITS AND ORDERS.

DEFINITION OF A WRIT OR ORDER CAPABLE OF BEING REGISTERED.

The Act provides that there may be registered in the register of Writs and Orders :—

(*a*) Any writ or order AFFECTING LAND issued or made by any court for the purpose of enforcing a judgment, statute or recognizance, whether obtained on behalf of the Crown or otherwise, or for the purpose of enforcing any inquisition finding a debt due to the Crown, or any obligation or specialty made to the Crown (see Appendix, Note L).

(*b*) Any order appointing a receiver or sequestrator of land.

(*c*) Any receiving order in bankruptcy made AFTER the commencement of the Act whether or not it is known to affect land (Section 6).

The following are the writs and orders which were usually registered under the old Acts but as will be seen by the above definition the new Act is more comprehensive.

Writ of Elegit.
Writ of Fi Fa.
Writ of Extent.
Writ of Possession.
Writ of Ejectment.
Warrant of Execution.
Order Appointing a Receiver or Sequestrator.
Order for Sale or Foreclosure.
Order under the Lunacy Acts.
Order of Restraint or Charge.
Injunction.
Vesting Order.

An order for payment of money merely cannot be registered; if it is desired to affect certain land under such an order, execution must issue and be registered accordingly.

THE ACT DOES NOT APPLY TO REGISTERED LAND.

The Act does not apply to writs and orders if and so far as they affect registered land and can be protected under the Land Registration Act, 1925 (by lodging or registering a creditor's notice, restriction, caution, inhibition or other notice), but this proviso only applies to Writs and Orders required to be registered or re-registered AFTER the commencement of this Act (see Chapter "Registered Land") (Section 23).

EFFECT OF NEGLECT TO REGISTER A WRIT OR ORDER.

Every writ and order capable of being registered under the Act and every delivery in execution or other proceeding taken pursuant to any such writ or order or in obedience thereto is void as against a purchaser of land unless the writ or order is for the time being registered pursuant to this Act. It is provided that as respects a receiving order in bankruptcy this only applies in favour of a purchaser of a legal estate in good faith, for money or money's worth without notice of an available act of bankruptcy. Further, the title of a Trustee in bankruptcy acquired after the commencement of the Act is void as against a purchaser of a legal estate in good faith for money or money's worth without notice of an available act of bankruptcy claiming under a conveyance made after the date of registration of the petition in bankruptcy as a pending action unless at the date of the conveyance either the registration of the pending action is in force or the receiving order is registered pursuant to this Act (Section 7).

HOW TO APPLY FOR REGISTRATION OF A WRIT OR ORDER

(As to a receiving order in bankruptcy see page 29).

A separate form must be used for the name of EACH person to be entered on the register.

The prescribed form of application (Form L.C. 2) must be used.

If the application is not made by a solicitor a Statutory Declaration in the prescribed form (L.C. 9) must be attached to the application.

The particulars required are :—

(*a*) Nature of the writ or order and its date.

(*b*) Situation of the land affected (where practicable).

(*c*) The court in which the writ or order was issued or made.

(*d*) The title of the action or matter.

(*e*) The official reference number.

(*f*) The name, address and description of the estate owner or other person whose land is affected.

(*g*) Signature, description and address of the applicant or of his solicitor (a solicitor applying is to give his name and address and the name and address and description of the applicant).

OFFICIAL ACKNOWLEDGMENT OF THE RECEIPT OF AN APPLICATION TO REGISTER OR AN OFFICIAL RECORD OF THE REGISTRATION.

The same regulations apply as hereinbefore stated (page 7).

REGISTRATION OF A WRIT OR ORDER VALID FOR FIVE YEARS.

The registration of a writ or order ceases to have effect at the expiration of five years from the date of registration but the registration may be renewed from time to time and if renewed has effect for five years from the date of renewal (Section 6 (3)).

HOW TO APPLY FOR THE RENEWAL OF THE REGISTRATION OF A WRIT OR ORDER.

The prescribed form of application (Form L.C. 5) must be used. The particulars required are similar to those prescribed for renewal of the registration of a pending action (see page 8).

A REGISTRATION OF A WRIT OR ORDER MAY BE RENEWED AS REGARDS PART ONLY OF THE LAND AFFECTED.

A registration may be renewed as regards PART only of the land affected (see Appendix, Note A) ; in such case a full description of such part must be set out on the application form (see chapter " Description of Land ").

OFFICIAL ACKNOWLEDGMENT OF THE RECEIPT OF AN APPLICATION FOR RENEWAL OF A REGISTRATION OR OFFICIAL RECORD OF THE REGISTRATION OF A RENEWAL.

The same regulations apply as hereinbefore stated (page 7).

VACATION OF REGISTRATION OF A WRIT OR ORDER ON DISCHARGE OR SATISFACTION.

The registration of a writ or order may be vacated on discharge or satisfaction pursuant to an order of court or of a judge thereof, or by acknowledgment of satisfaction where such course is permissible.

The application for vacation must be made on the prescribed form (Form L.C. 6) to which must be attached an office copy of the order of court or of a judge thereof; it may be made as regards PART only of the land affected (see Appendix, Note A), but in such case such part must be set out on the application form (see chapter "Description of Land").

FORM OF ORDER OF COURT VACATING THE REGISTRATION OF A WRIT OR ORDER.

Care should be taken that the terms of the order set out at least the following particulars:—

(*a*) The nature of the writ or order registered.

(*b*) The title of the action, information or proceeding.

(*c*) The name of the estate owner or other person whose land was affected.

(*d*) The official reference number in the register of writs and orders.

(*e*) The direction or order to the registrar should be clear and explicit.

CHAPTER V.

DEEDS OF ARRANGEMENT.

DEFINITION OF A DEED OF ARRANGEMENT CAPABLE OF BEING REGISTERED.

"Deed of Arrangement" has the same meaning as in the Deeds of Arrangement Act, 1914 (Section 20), viz.:—

A deed of arrangement includes any instrument of the classes hereinafter mentioned, whether under seal or not, when—

(*a*) Made by, for or in respect of the affairs of a debtor for the benefit of his creditors generally.

(*b*) Made by, for or in respect of the affairs of a debtor who was insolvent at the date of the execution of the instrument for the benefit of any three or more of his creditors otherwise than in pursuance of the law for the time being in force relating to bankruptcy.

The classes of instrument are :—

(*a*) An assignment of property.

(*b*) A deed or an agreement for a composition and in cases where creditors of the debtor obtain any control over his property or business.

(*c*) A deed of inspectorship entered into for the purpose of carrying on or winding up a business.

(*d*) A letter of licence authorising the debtor or any other person to manage, carry on, realise or dispose of a business with a view to the payment of debts and

(*e*) Any agreement or instrument entered into for the purpose of carrying on or winding up the debtor's business or authorising the debtor or any other person to manage, carry on, realise or dispose of the debtor's business, with a view to the payment of his debts. (4 & 5 Geo. V., c. 47).

EFFECT OF NEGLECT TO REGISTER A DEED OR ARRANGEMENT.

Every deed of arrangement whether made before or after the commencement of this Act is void as against a purchaser of any land comprised therein or affected thereby unless the deed is for the time being registered pursuant to this Act (Section 9).

The Act does NOT apply to deeds of arrangement if and so far as they affect registered land and can be protected under the Land Registration Act, 1925 (by lodging or registering a creditor's notice, restriction, caution, inhibition or other notice) but this proviso only applies to deeds of arrangement required to be registered or re-registered after the commencement of this (Land Charges, 1925) Act (Section 23).

HOW TO APPLY FOR REGISTRATION OF A DEED OF ARRANGEMENT.

The prescribed form of application (Form L.C. 3) must be used.

A separate form must be used for the name of EACH person to be entered on the register.

In the case of a firm the registration should be registered against each partner as well as against the firm.

If the application is not being made by a solicitor a Statutory Declaration in the prescribed form (L.C. 9) must be attached to the application.

Registration may be made on the application of a trustee of the deed or of a creditor assenting to or taking the benefit of the deed.

The particulars required are :—

(*a*) Date, parties and description of the deed.

(*b*) Situation of the land affected (where practicable).

(*c*) Name, address and description of the debtor.

(*d*) Name, address and description of the applicant.

(*e*) State whether applicant is a trustee of the deed or a creditor assenting or taking the benefit of the deed.

(*f*) Signature, description and address of the applicant or of his solicitor (a solicitor applying is to give his name and address, and the name, address and description of the applicant).

OFFICIAL ACKNOWLEDGMENT OF THE RECEIPT OF AN APPLICATION OR AN OFFICIAL RECORD OF THE REGISTRATION.

The same regulations apply as hereinbefore stated (page 7).

REGISTRATION OF A DEED OF ARRANGEMENT VALID FOR FIVE YEARS ONLY.

The registration of a deed of arrangement ceases to have effect at the expiration of five years from the date of registration, but may be renewed from time to time and if renewed has effect for five years from the date of renewal.

It is specially provided (Section 8 (4)) that nothing contained in that sub-section shall affect any registration made under any enactment replaced by the Land Charges Act, 1925, UNTIL the expiration of one year from the commencement of the Act (*i.e.*, from 1st January, 1926) ; the reason for this proviso is that registrations effected under the prior Acts did not cease to have effect at the expiration of five years from the date of registration.

HOW TO APPLY FOR THE RENEWAL OF A REGISTRATION OF A DEED OF ARRANGEMENT.

The prescribed form of application (Form L.C. 5) must be used.

The particulars required are similar to those prescribed for the renewal of the registration of a pending action (see page 8), excepting that the date of parties of the deed have to be given.

REGISTRATION MAY BE RENEWED AS TO PART ONLY OF THE LAND AFFECTED.

A registration may be renewed as regards PART only of the land affected (see Appendix, Note A) in such case a full description of such part must be set out on the application form (see chapter "Description of Land Affected").

VACATION OF REGISTRATION OF A DEED OF ARRANGEMENT ON DISCHARGE OR SATISFACTION.

The registration of a deed of arrangement may be vacated pursuant to an order of the court or a judge thereof.

The application for vacation must be made on the prescribed form (Form L.C. 6) to which must be attached an office copy of the order of the court or a judge thereof.

The same regulations as hereinbefore stated apply as regards an official acknowledgment of the registration of a vacation or of an official record of the vacation (see page 7).

As to the form of the order (see page 9).

The application for vacation may be made as regards PART only of the land affected (see Appendix, Note A); in such case a full description of such part must be set out in the order (see Chapter "Description of Land").

CHAPTER VI.

LAND CHARGES.

DEFINITION OF A LAND CHARGE CAPABLE OF BEING REGISTERED.

The following classes of charges on or obligations affecting land may be registered as land charges in the register of land charges (Section 10), namely:—

Class A.—A rent or annuity, or principal money payable by instalments or otherwise, with or without interest, being a charge (otherwise than by a deed) upon land created pursuant to the application of some person before or after the commencement of the Act.

(1) Under the provisions of any Act of Parliament for securing to any person either the money spent by him or the costs, charges and expenses incurred by him under such

Act, or the money advanced by him for repaying the money spent or the costs charges and expenses incurred by another person under the authority of an Act of Parliament; or

(2) Under section thirty-five of the Land Drainage Act, 1861; or

(3) Under section twenty or section forty-one of the Agricultural Holdings Act, 1923, or any previous similar enactment; or

(4) Under section four or section six of the Tithe Act 1918; or

(5) Under section one of the Tithe Annuities Apportionment Act, 1921.

(6) Under paragraph six of the twelfth section to the Law of Property Act, 1922;

but not including a rate or scot.

Class B. A charge on land (not being a local land charge) of any of the kinds described in Class A created otherwise than pursuant to the application of any person, either before or after the commencement of the Act but if created before such commencement only if acquired under a conveyance made after such commencement.

Class C.—A mortgage charge or obligation affecting land of any of the following kinds, created either before or after the commencement of the Act but if created before such commencement only if acquired under a conveyance made after such commencement, namely:—

(1) Any legal mortgage not being a mortgage protected by a deposit of documents relating to the legal estate affected, and (where the WHOLE of the land affected is within the jurisdiction of a local deeds registry) not being registered in a local deeds register (in the Act called a "PUISNE MORTGAGE"); and

(2) Any equitable charge acquired by a tenant for life or statutory owner under the Finance Act, 1894, or any other statute by reason of the discharge by him of any death duties or other liabilities and to which special priority is given by the statute (in the Act called "A LIMITED OWNER'S CHARGE); and

(3) Any other equitable charge, which is not secured by a deposit of documents relating to the legal estate affected and does not arise or affect an interest arising under a trust for sale or a settlement and is not included in any other class of land charge (in the Act called "a GENERAL EQUITABLE CHARGE"); and

(4) Any contract by an estate owner or by a person entitled at the date of the contract to have a legal estate conveyed to him to convey or create a legal estate, including a contract conferring either expressly or by statutory implication a valid option of purchase or right of pre-emption or any other like right (in the Act referred to as "AN ESTATE CONTRACT") (see Appendix, Note C).

Class D.—A charge or obligation affecting land of any of the following kinds, namely:—

(1) Any charge acquired by the Commissioners of Inland Revenue under any statute passed or hereafter to be passed for death duties leviable or payable on any death which occurs AFTER the commemcement of the Act; and

(2) A covenant or agreement (not being a covenant or agreement made between a lessor and lessee) restrictive of the user of land entered into AFTER the commencement of this Act (in the Act referred to as "A RESTRICTIVE COVENANT") (see Appendix, Note E); and

(3) Any easement, right or privilege over or affecting land created or arising AFTER the commencement of this ACT and being merely an equitable interest (in the Act referred to as "AN EQUITABLE EASEMENT") (see Appendix, Note F).

Class E.—An annuity within the meaning of Part 2 of the Act created BEFORE the commencement of the Act and not registered in the register of annuities.

WHAT LAND CHARGES TAKE EFFECT AS LEGAL MORTGAGES.

A land charge of Class A or Class B for securing money, created before or after the commencement of the Act, when registered takes effect as if it had been created by a deed of charge by way of legal mortgage but without prejudice to the priority of the charge (Section 11).

AS TO PUISNE MORTGAGES CREATED BEFORE THE COMMENCEMENT OF THIS ACT.

A puisne mortgage created before the commencement of the Act may be registered as a land charge before any transfer of the mortgage is made (Section 10, Sub-section 7).

AS TO LAND CHARGES AFFECTING REGISTERED LAND.

The Act does NOT apply to land charges (not including local land charges) if and so far as they affect registered land and can be protected under the Land Registration Act, 1925 (by lodging or registering a creditor's notice restriction caution, inhibition or other notice), but this provision only applies to land charges required to be registered or re-registered after the commencement of this Act (Section 23).

HOW TO APPLY FOR REGISTRATION OF A LAND CHARGE.

The prescribed form of application (Form L.C. 4) must be used.

A separate form must be used for the name of EACH person to be entered on the register.

If the application is not made by a solicitor a statutory Declaration in the prescribed form (Form L.C. 9) must be attached to the application.

The particulars required are :—

(*a*) Description of Class (A, B, C, D, or E).

(*b*) Description of the charge (if Class A or B, put "A Charge"; if Class C put "Puisne Mortgage" or "Limited Owner's Charge" or "General Equitable Charge" or "Estate Contract"; if Class D put "Restrictive Covenant" or "Equitable Easement"; if Class E put "Annuity" or "Rent Charge," stating that it was created before the commencement of the Land Charges Act, 1925).

If the charge is created by deed give date and parties.

If the charge is not created by an instrument short particulars of the effect of the charge are to be given.

A restrictive covenant or equitable easement is to be set out in full.

An original instrument is NOT receivable at the registry.

(*c*) Situation of the land affected.

(*d*) A description of the land affected sufficient to identify it.

In the case of tithe or land tax redemption, the official reference number must be given.

(*e*) Name, address and description of the Estate Owner.

(*f*) Name, address and description of the person in whose favour the land charge is created (Grantee, Covenantee or person taking the benefit).

(*g*) Signature, description and address of the applicant or of his solicitor (a solicitor applying is to give his name and address and the name, address and description of the applicant.)

OFFICIAL ACKNOWLEDGMENT OF THE RECEIPT OF AN APPLICATION TO REGISTER OR AN OFFICIAL RECORD OF REGISTRATION.

The same regulations apply as hereinbefore stated (page 7).

VACATION OF REGISTRATION OF A LAND CHARGE ON CANCELLATION OR CESSER OR CONSENT OR ON EVIDENCE THAT THE LAND CHARGE HAS BEEN OVER-REACHED.

The registration of a land charge may be vacated—

(*a*) Pursuant to an order of the court or a judge thereof; or

(*b*) On the cessor thereof; or

(*c*) In certain cases with the consent of the person entitled thereto; or

(*d*) On sufficient evidence being furnished that the land charge has been over-reached under the provisions of any statute or otherwise (see Appendix, Note K).

The application must be made on the prescribed form (Form L.C. 6) which must be accompanied by:—

(*a*) An office copy of the order of court or a judge thereof;

(*b*) An acknowledgment of satisfaction in the prescribed form (Form L.C. 7), *i.e.*, in cases where the consent of the grantee or convenantee is alone necessary; or

(*c*) Sufficient evidence that the charge has terminated or ceased to have effect; or

(*d*) Sufficient evidence that the charge has been over-reached under the provisions of a statute or otherwise (see also Appendix, Note K).

(*e*) An office copy of the order of the appointed authority modifying or discharging a restrictive covenant (see Appendix, Note G).

The application for vacation may be made as regards part only of the land affected (see Appendix, Notes A & B), in such case a full description of such part must be set out in the application (see chapter "Description of Land").

The same regulations apply as regards an official acknowledgment of the receipt of an application to register a vacation or a record of such registration as hereinbefore stated (page 7).

ORDER OF COURT OR A JUDGE THEREOF.

Care should be taken that the terms of an order of court or a judge thereof set out sufficient particulars to identify the registration it is desired to affect (see page 9); when the circumstances are unusual it is desirable to submit a draft to the registry.

DEBENTURES AND CHARGES BY A COMPANY FOR SECURING MONEY NEED NOT BE REGISTERED.

A land charge for securing money created by a company which has been registered under section ninety-three of the Companies (Consolidation) Act, 1908, need not be registered under the Land Charges Act, 1925 (Section 10 (5)).

EFFECT OF NEGLECT TO REGISTER A LAND CHARGE.

(Sections 13 and 14.)

A land charge of Class A created after the thirty-first of December, eighteen hundred and eighty-eight, is void as against a purchaser of the land charged therewith or of any interest in such land, unless the land charge is registered in the register of land charges before the completion of the purchase.

A land charge of Class B, Class C or Class D created or arising AFTER the commencement of this Act is void as against a purchaser of the land charged therewith or of any interest in such land unless the land charge is registered in the appropriate register before the completion of the purchase, but this only applies in respect of a land charge of Class D and an ESTATE CONTRACT created or entered into AFTER the commencement of this Act in favour of a purchaser of a legal estate for money or money's worth.

After the expiration of one year from the first conveyance occuring on or after the first day of January, eighteen hundred and eighty-nine, of a land charge of Class A created before that date, the person entitled thereto shall not be able to recover the land charge or any part thereof as against a purchaser of the land charged

therewith or of any interest in the land, unless the land charge is registered in the register of land charges before the completion of the purchase.

After the expiration of one year from the first conveyance occurring after the commencement of this Act of a land charge of Class B or Class C created before such commencement the person entitled thereto shall not be able to enforce or recover the land charge of any part thereof as against a purchaser of the land charged therewith, or of any interest in the land, unless the land charged is registered in the appropriate register before the completion of the purchase.

EXPENSES OF REGISTERING A LAND CHARGE.

Except as regards expenses incurred in registering a land charge of Class E, or in registering as a land charge a restrictive covenant or an equitable easement or an estate contract the expenses incurred by the person entitled to a land charge created before or after the commencement of this Act in causing the charge to be registered in the appropriate register are to be deemed to form part of the land charge and are recoverable by him accordingly on the day for payment of any part of the land charges next after such expenses are incurred (Section 12).

AS TO A LAND CHARGE REGISTERED BEFORE 1st JANUARY, 1926, IN THE NAME OF A PERSON NOT BEING THE ESTATE OWNER.

A land charge shall be registered in the name of the estate owner whose estate is intended to be affected except that in the case of a land charge registered before the commencement of the Land Charges Act, 1925, under any enactment replaced by that Act in the name of a person not being the estate owner it may remain so registered until it is registered in the name of the estate owner in the prescribed manner (Land Charges Act, 1925) (Section 10 (2)).

CHAPTER VII.

LOCAL LAND CHARGES.

Local land charges as defined below are to be registered in a register kept by a local authority, but the Chief Land Registrar of H.M.'s Land Registry, London, may, if and when the prescribed application and information is made and furnished to him, also register the charge.

For particulars of entries in a Local Land Charge Register, see page 108.

A search in respect of a local land charge should be made in the register kept by the local authority; Application Form see page 113.

WHAT LOCAL AUTHORITIES ARE TO KEEP A REGISTER OF LOCAL LAND CHARGES.

The following are the local authorities specified in the Land Charges Act, 1925:—

(*a*) The council of any administrative county.

(*b*) The council of any metropolitan borough.

(*c*) The council of any urban district.

(*d*) The council of any rural district.

(*e*) The corporation of any municipal borough.

(*f*) Any other local authority acquiring a charge under the Public Health Acts, 1875 to 1907, the Metropolitan Management Acts, 1855 to 1903, or the Private Street Works Act, 1892, or under any similar statute (public, general, local or private) passed or hereafter to be passed (Section 15 (1)).

See Local Land Charge Rules, page 108.

WHAT ARE LOCAL LAND CHARGES?
(SECTION 15).

Any charge acquired either before or after the commencement of this Act by the aforesaid local authorities which takes effect by virtue of the statute.

Where a Local Authority has expended money for any purpose which when the work is completed and any requisite resolution is passed or order is made will confer a charge upon land, the proper officer of the local authority may in the meantime register a local land charge in his register against the land generally without specifying the amount, but the registration of any such general charge shall be cancelled within the prescribed time, not being less than one year after the charge is ascertained and allotted, and thereupon the specific local land charges shall, unless previously discharged, be registered as of the date on which the general charge was registered.

EFFECT OF NEGLECT TO REGISTER A LOCAL LAND CHARGE.
(SECTION 15 (2)).

A Local Land Charge is void against a purchaser for money or money's worth of a legal estate in the land affected thereby

unless registered in the appropriate register before the completion of the purchase.

It is provided that nothing in the Act shall operate to impose any obligation to register any local land charge created or arising BEFORE the commencement of this Act except after the expiration of one year from such commencement or to discharge a purchaser from liability in respect of any local land charge which is not for the time being required to be registered.

A TOWN PLANNING SCHEME OR ANY PROHIBITION OR RESTRICTION ON THE USER OF LAND ENFORCEABLE BY A LOCAL AUTHORITY IS DEEMED A RESTRICTIVE COVENANT. (SECTION 15).

See Local Land Charge Rules, page 108, *et seq.*

It is provided that any prohibition of or restrictive on the user or mode of user of land or buildings enforceable by any local authority by virtue of any statute or any order scheme or instrument made in pursuance of any statute and any resolution passed by a local authority to prepare or adopt a town planning scheme shall be deemed to be a restrictive covenant and where arising or passed AFTER the commencement of this Act shall be registered by the proper officer as a local land charge, and it is further provided that any such prohibition, restriction or resolution affecting an area or district may be registered generally against the area or district by reference to the statute order, scheme or instrument under which it is imposed.

This section applies to local land charges affecting registered as well as unregistered land.

WHEN A LOCAL AUTHORITY CANNOT READILY ASCERTAIN THE PERSON AGAINST WHOM A SPECIFIC CHARGE SHOULD BE REGISTERED THE AUTHORITY IS EMPOWERED (IF A RULE TO THAT EFFECT HAS BEEN MADE) TO REGISTER THE SAME AGAINST THE LAND. (SECTION 15.)

The Act provides that separate rules may be made thereunder for empowering a local authority where it has no means (without incurring unreasonable expense) of ascertaining the person against whom a specific charge should be registered to register the same against the land affected.

SEPARATE RULES MAY BE MADE IN REFERENCE TO LOCAL LAND CHARGES.

Separate rules may be made under this Act in reference to local land charges for giving effect to the provisions of the Act and in particular :—

(*a*) For prescribing the mode of registration of a general or specific charge ;

(*b*) for empowering a local authority where it has no means (without incurring unreasonable expense) of ascertaining the person against whom a specific charge should be registered to register the same only against the land affected.

(*c*) For prescribing the proper officer to act as local registrar and making provision as to official certificates of search to be given by him in reference to subsisting entries in his register.

(*d*) Determining the effect of an official certificate of search in regard to the protection of a purchaser, solicitor, trustee or other person in a fiduciary position and for prescribing the fees, if any, to be paid for any such certificate or for a search.

(*e*) For prescribing the fees, if any, to be paid for the cancellation of any entry in the register.

Rules have accordingly been made (see page 108).

THE PROVISIONS OF THE ACT RELATING TO A LAND CHARGE OF CLASS B APPLY TO A LOCAL LAND CHARGE.

Except as expressly provided the provisions of the Act relating to a land charge of Class B shall apply to a local land charge (Section 15, sub-section 2).

THE LOCAL REGISTRAR HAS POWERS SIMILAR TO AND IS SUBJECT TO THE SAME OBLIGATIONS AS THE CHIEF LAND REGISTRAR OF H.M.'s LAND REGISTRY.

As regards a local land charge the registration by the proper officer takes the place of registration by the Chief Land Registrar and in reference thereto the proper officer of the local authority has all the powers and is subject to the same obligations as the Chief Land Registrar has or is subject to in regard to a Land Charge (Section 15, sub-section 3).

CHAPTER VIII.

BANKRUPTCY.

PETITIONS IN BANKRUPTCY TO BE REGISTERED IN THE REGISTER OF PENDING ACTIONS.

RECEIVING ORDERS IN BANKRUPTCY TO BE REGISTERED IN THE REGISTER OF WRITS AND ORDERS.

Every petition in bankruptcy whether it is known to affect land or not, is registerable in the register of pending actions (Section 2).

Every receiving order in bankruptcy made after the commencement of this Act is registerable in the register of writs and orders whether or not it is known to affect land (Section 6).

EFFECT OF NEGLECT TO REGISTER A PETITION OR RECEIVING ORDER IN BANKRUPTCY.

Unless registered as a pending action a petition in bankruptcy does not bind a purchaser without express notice thereof but this only applies in favour of a purchaser of a legal estate for money or money's worth without notice of an available act of bankruptcy (Section 3).

Similarly as regards a receiving order not registered in the register of writs and orders (Section 7).

It is also provided that as respects any transfer or creation of a legal estate a petition in bankruptcy filed AFTER the commencement of this Act which is not for the time being registered as a pending action shall not be notice or evidence of any act of bankruptcy therein alleged. Further the title of a trustee in bankruptcy acquired after the commencement of this Act shall be void as against a purchaser of a legal estate in good faith for money or money's worth without notice of an available act of bankruptcy claiming under a conveyance made after the date of registration of the petition in bankruptcy as a pending action unless, at the date of the conveyance, either the registration of the pending action is in force or the receiving order is registered pursuant to Part III. of this Act (Sections 3 & 7).

REGISTRATION OF PETITIONS AND RECEIVING ORDERS IN BANKRUPTCY WILL, PRESUMABLY, BE EFFECTED BY THE REGISTRAR OF THE COURT IN WHICH THE MATTER IS FILED.

Registration of Petitions and Receiving Orders in Bankruptcy differs from the other registrations necessary under the Act in that the registration at the Land Registry will, presumably, not normally be affected by an applicant on behalf of creditors or otherwise.

The Registrations at the Land Registry will, it is assumed, be effected by the registrar of the court in which the petition in bankruptcy is filed.

In the unlikely event of any one desiring to register a petition in bankruptcy the application would be for the registration of a Pending Action (see Chapter II).

Similar remarks apply to the registration of a Receiving Order, the application for which would be for the registration of a Writ or Order (see Chapter 4).

New Rules have been added to the Bankruptcy Rules, 1915 (see page 105).

CHAPTER IX.

SEARCHES.

NECESSITY OF SEARCHING.

Section 198 Law of Property Act, 1925, provides that the registration of any instrument or matter under the provisions of the Land Charges Act, 1925, or any enactment which it replaces, in any register kept at the land registry or elsewhere shall be deemed to CONSTITUTE ACTUAL NOTICE of such instrument or matter.

WHO MAY MAKE SEARCHES.

Any person may search in any register or index kept in pursuance of this Act on making an application on the prescribed form (Form L.C. 12) and on paying the prescribed fee (Section 16).

WHAT SHOULD BE SEARCHED.

As pointed out in the introductory Chapter, the Alphabetical Index (see Chapter XIII) for all practical purposes takes the place of the registers when searching.

Consequently the application should in all cases in the first instance be confined to a search of the Alphabetical Index and Day List; this search will reveal particulars sufficient to enable a requisition (to be addressed to the vendor) regarding any entry in any of the registers.

It should be noted that if a search reveals any entry in any of the registers, the correct course is considered to be to call on the vendor to explain it or to have its satisfaction, cesser, discharge, vacation or cancellation entered on the register; for this purpose it is immaterial what specific entry it may be. *e.g.*, whether a puisne mortgage, an estate contract, a charge in respect of death duties, or otherwise.

A search of the Alphabetical Index and Day List having revealed to a prospective purchaser or mortgagee that there is, *e.g.*, a Land Charge or a Pending Action, etc., registered on a specific date, affecting land situated in the specified parish, he is in a position to call for a satisfactory explanation before he hands over the consideration.

It should also be noted that the fee for inspection of the Alphabetical Index is 2s. (per name) for a personal search and 5s. (per name) for an official search; if in addition to the Alphabetical Index any of the five registers are inspected there is an additional fee of 2s. (per name) or 5s. (per name) for each of the registers inspected, according to whether the inspection is personal or official.

It is not practicable to make a search in any of the registers without having first made a search in the Alphabetical Index.

In the rare cases where it may be desired to have the further information revealed by the register the best course is to apply for an office copy of the entry in the register revealed by a search of the Alphabetical Index; the fee for an office copy is only 2s. 6d. (per entry) as compared with 5s. for an official search of the register.

A search in respect of a local land charge should be made in the register kept by the local authority (see chapter Local Land Charges, page 25).

As the registrar is under no obligation to ascertain whether an application to register affects " registered " land a searcher should himself inspect the Map Index kept under the Land Registration Act, 1925.

HOW TO MAKE A SEARCH IN PERSON.

The prescribed form of application must be filled in (the form can be obtained, gratis, at the registry); the prescribed fee paid in the stamp office at the registry where a stamp will be impressed on the application form.

The particulars required to be filled in on the form are :—

(1) Name and address of applicant, *i.e.*, the person on whose behalf the search is being made; a solicitor or other agent must give his name and address and state that he is acting on behalf of the applicant (a clerk must put his firm's name and address).

(2) Full Christian and Surname of the person to be searched against.

The fee is two shillings per NAME searched against, any alternative or change of name entails an additional fee (*e.g.*, a woman's name changing on marriage; a man on becoming a peer).

The procedure is to search the Alphabetical Index when if an entry is found against the name searched and it is desired also to see the entry in the register application must accordingly be made and the additional fee paid.

As, however, the Alphabetical Index gives :—

(*a*) The full name, address or addresses and description of the person against whom the registration is made;

(*b*) The date of registration;

(*c*) The kind of registration;

(*d*) The situation of the land affected (if given on the register) it is seldom necessary to consult the register as the information afforded by the index suffices whereon to formulate a requisition to a vendor, mortgagor, or other person with whom the searcher is concerned.

The names on the index are filed in lexicographical order; there being a separate sheet for each name; for further information concerning the index see chapter "The Alphabetical Index."

In addition to the index the DAY LIST should also be searched.

The day list consists of the applications in course of registration (relating to the day the search is being made); this list is kept on the same system as that of the index; as soon as a name has been transferred from it to the index that name is deleted from the Day List and as this work is going on continuously throughout the day it is seldom that the day list will show many entries.

Registration is not deemed to be actually effected until the entry thereof is made in the day list.

If security is required against an adverse registration being effected between the time a search is made and the actual time of completion of a matter, the search should be made after 3 p.m. (when registration ceases for the day) and the matter completed at a later hour or before 11 a.m. the following day (when registration commences).

CORRECT SPELLING OF THE NAME SEARCHED AGAINST OF THE FIRST IMPORTANCE.

Obviously scrupulous exactitude is necessary as to the spelling of the name to be searched against, *e.g.*, a search against a GREY will not reveal entries against GRAY, or BIRCH against BURCH, and so on.

All possible addresses and descriptions of the person searched against should be carefully ascertained before making a search; as changes of both address and description of a person are more or less common the safer method of search is to look through ALL the pages of the index of the particular surname (ignoring for the moment the addresses and descriptions) then if one is found affecting land in the parish or district concerned, to see the register in order to ascertain whether the person is likely to be the one searched against although of a different address or description.

The correctness of the Christian name is also of importance as it affects the POSITION of the name in the index, *e.g.*, William PHILLIP Smith will probably be far removed from William PETER Smith, and William P. Smith not adjacent to either (see chapter "The Alphabetical Index").

The validity of a registration is seriously affected where there is an error or omission in the name or address or description of the person entered on the index and register.

When making a search for incumbrances existing prior to 1st January, 1926, it must be remembered that prior to that date registrations were not always effected against the person who by the Land Charges Act, 1925, is described as the Estate owner (see chapter "Land Charges," page 58).

A Searcher must also remember that from the date of operation of the Law of Property Act, 1925, a Power of Attorney to dispose of or deal with land has to be filed at the Central Office (see Appendix Note M).

OFFICIAL SEARCHES.

Official Searches are of two kinds :—

(1) Against entries in the ALPHABETICAL INDEX ;

(2) Against entries in either or all of the REGISTERS.

The first named is the most useful and is that usually adopted as the certificate of result reveals all subsisting entries in ALL the registers against the name searched against affecting the land specified in the requisition and sets out the following particulars concerning each entry returned on the certificate :

(*a*) The nature of the registration of the entry ;

(*b*) The date of the registration of the entry ;

(*c*) The date of the certificate.

When the certificate is received if further information is desired concerning any entry thereon an office copy of the entry as in the register can be applied for (see page 96).

The other official search, viz., against entries in either or all of the registers differs materially as regards the fee ; to the certificate is attached an office copy of each entry in the register recorded on the certificate.

WHO MAY REQUISITION AN OFFICIAL SEARCH.

Any person may requisition an official search in any index and register kept in pursuance of this Act on making an application on the prescribed form (Form L.C. 11) and paying the prescribed fee (Section 17).

THE PROTECTION AFFORDED BY THE CERTIFICATE OF OFFICIAL SEARCH.

In favour of a purchaser or an intending purchaser as against persons interested under or in respect of matters or documents whereof entries are required or allowed to be made in the registry under this Act the certificate according to the tenor thereof is conclusively affirmative or negative as the case may be (Section 17, sub-section (3)).

Where a solicitor obtains a certificate of official search he is not answerable in respect of any loss that may arise from error in the certificate (Section 17, sub-section (7)).

Where the solicitor is acting for trustees, executors, agents, or other persons in a fiduciary position, these persons are also not so answerable.

Where such persons obtain such certificate without a solicitor they also are protected in like manner.

HOW TO APPLY FOR AN OFFICIAL SEARCH.

A requisition for an official search will only be received when made on the prescribed form (Form L.C. 11) and the prescribed fee paid.

The following particulars must be set out on the form :—

(*a*) The county and parish or place or district in which the land affected is situated.

(*b*) Date the certificate is to be issued.

(*c*) Full Christian and Surname of the person to be searched against with all addresses, title, trade or profession.

(*d*) Whether certificate is to be delivered to messenger or posted.

(*e*) Whether it is required that the search shall be expedited and if so whether the certificate is to be delivered to messenger or posted; also state whether it is desired to have the result of search telegraphed or telephoned.

(*f*) Signature of applicant (or of his solicitor).

NORMAL TIME OCCUPIED IN MAKING AN OFFICIAL SEARCH.

In the absence of exceptional numbers or circumstances the Certificate of an Official Search will normally be issued by post, or otherwise, at or soon after 4 o'clock on the day of receipt of the application therefor, provided such application reaches the Land Charges Department before 10.30 a.m., but to ensure the issue on any particular day, the application should be made SEVERAL DAYS in advance, especially towards Quarter Days, or if an issue on a Saturday (when the office closes at 1 o'clock) is desired. If desired, application for the result of the search to be telephoned or telegraphed can be made, as provided on the front page of the form of application, subject to the condition that :—

(*a*) If by telephone the reply to the application for the search will merely state whether there are or are not any subsisting entries covered by the application and that it is confirmed in writing by the Department ;

(*b*) If by telegraph the words "No subsisting entries" or "Subsisting entries" as the case may be will alone be telegraphed.

Particulars regarding any entries so found will be forwarded by post in the usual form.

EXPEDITING AN OFFICIAL SEARCH.

If the application cannot be made several days beforehand, the issue of a Certificate can be EXPEDITED by a special request

to that effect being added to the form of application therefor (accompanied by the prescribed fee). An Expedited Search is taken out of the ordinary course and the Certificate despatched THE SAME DAY as the application is received (notwithstanding any congestion of work in the department). An Expedited Search may be up to any desired HOUR of the day.

DESCRIPTION OF THE OFFICIAL CERTIFICATE.

The certificate of the result of an Official Search shows :—

(1) The name, address and description searched against ;

(2) The period covered by the search ;

(3) The nature of the registration (if any) recorded against the name as affecting the land in the county and parish, or place, or district specified on the application for the search, and also all registrations recorded against the name where NO county, parish, or place, or district, is set out in the Index ;

(4) The date of such registrations.

The Certificate of Search covers all registrations effected up to the close of the Registry on the day of the date of the certificate or in case of an Expedited Search up to the day and HOUR stated on the certificate.

If the Certificate of a Search in the Alphabetical Index shows that there is any entry in the Index and further information respecting it is desired, a full copy of such entry, as appearing in the Register, can be obtained on payment of the prescribed fee.

It should be observed that the procedure recommended is to send the application SEVERAL days before the certificate is required (stating on the application the day it is desired to receive the certificate) thus ensuring its receipt without paying an expedition fee.

OFFICE COPIES OF ENTRIES IN A REGISTER.

Any person may obtain an office copy of any entry in any of the registers on making an application on the prescribed form (Form L.C. 14) and on paying the prescribed fee.

The particulars required on application are :—

(*a*) The kind of registration ;

(*b*) Name, address and description of the person against whom the registration was effected ;

(*c*) The date of the registration ;

(*d*) The official reference number of the registration (if this is unknown it can be ascertained by personal or official search) ;

(*e*) The signature, address and description of the applicant for the office copy.

CHAPTER X.

AS TO LAND SITUATE WITHIN THE JURISDICTION OF A DEEDS REGISTRY.

MIDDLESEX REGISTRY ACT, 1708.

It is not necessary to register under the Middlesex Registry Act, 1708 :—

(*a*) Any deed of arrangement, land charge of Class A or other instrument made or created on or after the thirtieth day of July nineteen hundred ; or

(*b*) Any land charge (except a puisne mortgage) of Class B, Class C or Class D, created or made after the commencement of the Land Charges Act, 1925 ;

which is or was capable of registration under the Land Charges Act, 1925, or any enactment replaced by that Act (Section 18).

A " puisne " mortgage is specially defined in the Land Charges Act, 1925, as " any legal mortgage NOT being a mortgage protected by a deposit of documents relating to the legal estate affected, and (where the whole of the land affected is within the jurisdiction of a local deeds registry) not being registered in the local deeds registry (Section 10)."

YORKSHIRE REGISTRIES ACT, 1884.

In the case of a general equitable charge restrictive covenant, equitable easement or estate contract affecting land within any of the three Ridings the registration in the prescribed manner in the appropriate local deeds registry of the document creating it shall be sufficient in place of registration under the Land Charges Act, 1925, and the registration shall, as respects such land, have effect as if the land charge created by the document had been registered under the Land Charges Act, 1925 (Section 10, sub-section 6).

See Rule 15.

DEFINITION OF THE THREE RIDINGS.

The three Ridings has the same meaning as in the Yorkshire Registries Act, 1884, namely :—

The three Ridings means the North Riding, the East Riding and the West Riding defined as follows :—

North Riding means the North Riding of the County of York.

East Riding means the East Riding of the County of York, and lands within the town or county of Kingston-upon-Hull are deemed to be lands within the East Riding.

West Riding means the West Riding of the county of York, and the lands within the wapentake known as "the ainstry" are deemed to be lands within the West Riding.

N.B.—For Form of Application to register apply to the Registrar of the Riding in which the land affected is situate.

CHAPTER XI.

AS TO "REGISTERED" LAND.

Registered land has the same meaning as in the Land Registration Act, 1925, namely :—

Land or any estate or interest in land the title to which is registered under the Land Registration Act, 1925 or any enactment replaced by that Act and includes any easement, right, privilege or benefit which is appurtenant or appendant thereto and any mines and minerals within or under the same and held therewith.

EXTENT OF THE NON-APPLICATION OF THE LAND CHARGES ACT, 1925 TO REGISTERED LAND.

As respects pending actions, writs, orders, deeds of arrangement and land charges (NOT including local land charges) required to be registered or re-registered AFTER the commencement of the Land Charges Act, 1925, that Act does NOT apply thereto if and so far as they affect REGISTERED LAND and can be protected under the Land Registration Act, 1925, (by lodging or registering a creditor's notice, restriction, caution, inhibition or other notice); the Chief Land Registrar is under no obligation to ascertain whether or not a pending action, writ, order, deed of arrangement, or land charge affects registered land (Section 23).

AS TO ENTRY OF A LAND CHARGE ON A TITLE TO REGISTERED LAND.

By Section 49 (*c*) of the Land Registration Act, 1925, and Rule 190 thereunder, the provisions of Section 48 of that Act (as to notices of rights, interests and claims) are extended to include land charges until the land charge is registered as a registered charge.

Registration of a land charge (other than a local land charge) shall where the land affected is registered be effected only by registering under the Land Registration Act, 1925, a notice, caution, or other prescribed entry (Land Registration Act, 1925, Section 59).

AS TO ENTRY OF A WRIT, ORDER, DEED OF ARRANGEMENT, PENDING ACTION OR OTHER INTEREST ON A TITLE TO REGISTERED LAND.

A writ, order, deed of arrangement, pending action, or other interest which in the case of unregistered land may be protected by registration under the Land Charges Act, 1925, shall, where the land affected or the charge securing the debt affected is registered, be protected only by lodging a creditor's notice, a bankruptcy inhibition, or a caution against dealing with the land or charge (Land Registration Act, 1925, Section 59).

AS TO BANKRUPTCY PETITIONS AND RECEIVING ORDERS AFFECTING REGISTERED LAND.

By Clause 61 of the Land Registration Act, 1925, the registrar shall as soon as practicable after registration of a petition in bankruptcy as a pending action under the Land Charges Act, 1925, register a notice (called a creditor's notice) against the title of any proprietor of any registered land or charge which appears to be affected.

Further, the registrar shall as soon as practicable after registration of a receiving order in bankruptcy under the Land Charges Act, 1925, enter an inhibition (called a bankruptcy inhibition) against the title of any proprietor of any registered land or charge which appears to be affected.

RESTRICTIVE COVENANTS AFFECTING REGISTERED LAND.

In the case of registered land any person entitled to the benefit of a restrictive covenant or an agreement (not being a covenant or agreement made between a lessor and lessee) may apply for a notice thereof to be entered in the title register and if so registered shall take the place of registration as a land charge (Land Registration Act, 1925, Section 50).

CHAPTER XII.

HOW TO DESCRIBE THE LAND AFFECTED.

The description of the land affected is a matter of supreme importance, obviously a loose or erroneous description would defeat the object of registration.

Particular care should therefore be taken to ensure that the correct county and parish or place or district is given on the application for registration.

Where the parish name has become by non-usage, almost obsolete, having been supplanted by a district name, both the old and new names should be given, *e.g.*, Slough in Buckinghamshire is the name of the town but the parish name is Upton-cum-Chalvey ; there are a number of similar instances especially in the case of new suburbs which have grown around an old town or parish.

If the applicant for a search or registration knows only the place or district name and has any reason to suspect that it formerly bore a different name a reference to the ordnance map will enlighten him as the ordnance survey records on its maps the present district name and the old parish name, the maps also show the parish boundaries, so determining whether certain land is in this or that parish.

WHEN THE ACTUAL LAND AFFECTED IS NOT ACCURATELY KNOWN OR CANNOT BE READILY ASCERTAINED.

It sometimes happens that the actual land to be affected is not accurately known or cannot be readily ascertained although the entry of the matter on the register is urgent ; this is more especially in the case of pending actions, some writs and deeds of arrangement.

It is clear, by the Act, that only pending actions, writs, orders and deeds of arrangement AFFECTING LAND need be registered (petitions and receiving orders in bankruptcy are specifically mentioned as having to be registered whether or not known to affect land).

The only particulars of the land essential to enable the form of application for registration of a pending action, writ, order or deed of arrangement to be filled up are :—

(1) The county.

(2) The parish, place or district.

AS TO MAPS AND PLANS.

As a rule verbal description of the land affected will suffice providing that this can be done briefly without detriment to identification, but if preferred a plan showing the land may be used.

Plans, especially an extract from an Ordnance Map, leave no doubt as to the situation or extent of the land intended to be affected.

If a plan is used it must be drawn on the application form or on a (prescribed form of) follower (Form L.C. 13), care being taken that margins (for bindings) be left clear.

A plan or tracing stuck on to an application form will NOT be received ; the reason being that as in course of time the adhesive material dries, the plan becomes detached and is lost.

If the plan is too large to be drawn on an application form or follower it should be a tracing on LINEN of not less size than an application form and with clear margins.

A plan should always be signed and bear a memorandum showing to what matter it refers.

The description of land affected by a restrictive covenant, equitable easement and the like obviously must be very precise both as to situation and extent in order not only to make the registration effective but also to avoid placing an embargo on land not intended.

In any case of doubt or difficulty respecting description of land it is as well to consult the registry officials before making the application for registration.

At the registry there are kept a set of Ordnance Maps for the whole country which may be inspected at a small fee (according to time and labour involved in the production of the particular sheet required).

WHEN PART OF THE LAND AFFECTED IS DEALT WITH ON DISCHARGE OR VACATION.

When part of the land affected is to be withdrawn from registration (on renewal or by discharge or satisfaction or vacation) it is essential that such part is very clearly specified on the application form ; in some cases it will be necessary to describe the land remaining affected (see Appendix, Notes A and B).

CHAPTER XIII.

DEATH DUTIES.

REGISTRATION OF A LAND CHARGE IN RESPECT OF CLAIM FOR DEATH DUTIES BY THE COMMISSIONERS OF INLAND REVENUE.

Any charge acquired by the Commissioners of Inland Revenue under any statute passed or hereafter to be passed for death duties leviable or payable on any death which occurs after the commencement of this Act is registerable as a Land Charge, Class D, but the Commissioners are not authorised to register a land charge in respect of any claim for death duties unless the duty has become a charge on the land and the application to register any such charge shall state the duties in respect of which the charge is claimed and so far as possible shall define the land affected and such particulars shall be entered or referred to in the register (Section 10).

REGISTRATION BY TENANT FOR LIFE OR STATUTORY OWNER UNDER THE FINANCE ACT, 1894.

Any equitable charge acquired by a tenant for life or statutory owner under the Finance Act, 1894, or any other statute, by reason of the discharge by him of any death duties or other liabilities and to which special priority is given by the statute may be registered as a Land Charge, Class C (called a limited owner's charge) (Section 10).

Where a charge in respect of death duties is not registered as a land charge a purchaser of a legal estate takes free therefrom unless the charge for duties attached before the commencement of the Law of Property Act, 1925, and the purchaser had notice of the facts giving rise to the charge (Law of Property Act, 1925, Section 17).

VACATION OF REGISTRATION IN RESPECT OF DEATH DUTIES.

On production of a certificate of satisfaction from the Commissioners of Inland Revenue the Land Charge in respect thereof is cancelled.

Other than the Commissioners will apply for the vacation of the registration by the procedure set out for discharge of a Land Charge (see chapter "Land Charges").

CHAPTER XIV.

THE ALPHABETICAL INDEX.

The registers kept under the Land Charges Act, 1925, are a continuation of those maintained under the Land Charges Acts, 1888 and 1900 (excepting as regards the register of annuities, as to which see chapter on "Annuities") and the same system of indexing will be continued. There is only one Alphabetical Index which contains all subsisting entries of registrations of Annuities and Rent Charges from 26th April, 1855; Deeds of Arrangement and Land Charges from 1st January, 1889, Pending Actions and Writs and Orders for the last (current) five years (and renewals of earlier registrations).

All applications to register or to vacate registrations (the application forms in fact constitute the registers (*a*)) are filed on exactly the same system as the index is formed.

The importance of studying the system employed in the construction of the index cannot be overrated as without a clear understanding of it a search may easily be fallacious.

If the name to be searched is a complicated one enquiry should be made of the SUPERINTENDENT of the Land Charges Registry as to its position in the Index.

THE SYSTEM EMPLOYED IN THE CONSTRUCTION OF THE ALPHABETICAL INDEX.

N.B.—For the Rule, see page 71; for the Form, see page 97.

The names on the index are arranged in STRICTLY ALPHABETICAL ORDER, *i.e.*, the position of each name or title in the index is governed by the letters composing such name or title. EACH consecutive letter of the name or title taking priority in accordance with its relative position in the alphabet, subject to the following provisos :—

The address of the person against whom the registration is effected is taken into consideration for the purpose of compiling the index. Where there are similar names with different addresses there is a separate page for each name and address. These are entered in the alphabetical order of the town, place or county, *e.g.*, Abbot, John of Amesbury, Wilts, is placed before Abbot, John of Sunbury, Middlesex. In the event of more than one person being of the same name and residing at the same place the Street is then taken as the governing factor for placing the name, *i.e.*, Abbot, John of High Street, Amesbury, would be placed before Abbot, John of Victoria Road, Amesbury.

(*a*) This does not apply to the Register of Local Land Charges.

SURNAMES.

An INDIVIDUAL is indexed by his surname placed in order (1) according to the spelling of his name (2) according to his Christian names.

For example, ABBOT comes before ACTON because the second letter (B) in ABBOT takes its alphabetical order of place before the second letter (C) in ACTON. Again, ABBOT comes after ABBART because the first three letters of the names being the same the fourth letter (A) in ABBART takes its alphabetical order of place before the fourth letter (O) in ABBOT.

Again, STEWARD comes before STEWART, the first six letters of each name being the same the seventh letter determines the precedence.

CHRISTIAN NAMES.

When the surnames have been thus placed in position the spelling of the Christian name then determines precedence, *e.g.*, James ABBOT comes before John ABBOT because the first letter of the Christian name being the same in both instances the second letter is the deciding factor.

When there is more than one Christian name each of the names are treated as a separate entity thus, SMITH, Frederic Alfred comes before SMITH, Fredrica Amy.

ABBREVIATED CHRISTIAN NAMES.

Abbreviations of Christian names such as "JAS." "THOS." "HY." are treated (as to position in the Index) as they are written and not as if converted into the full name.

INITIALS (INDIVIDUALS).

Initials are similarly treated.

SMITH, W. K. coming after SMITH, William Arthur because the second letter "K" comes after "I" in William.

FIRMS, COMPANIES, Etc.

FIRMS, COMPANIES, INSTITUTIONS and all names "other" than those of individuals are dealt with by treating the whole name as if converted into one word and placed AFTER the names

of all individuals whose surname is the same as the FIRST word in the compound name. *e.g.:*

ALL SOULS COLLEGE, OXFORD, is treated as if written "Allsoulscollegeoxford" and placed AFTER the individuals of the name of "ALL."

ALEXANDER VAN & CO., as if written Alexandervanandco, and is placed immediately after the individuals of the name of "Alexander."

LEE AND HAMILTON as if written Leeandhamilton, and is placed immediately after the individuals of the name of "Lee."

LUCAS R. H. and BENTLEY LTD. is treated as if written Lucasrhandbentleyltd., and is indexed under "L."

INITIALS (FIRMS, COMPANIES, Etc.).

Where the name or title of a Company, etc., commences with an initial these are placed BEFORE all surnames of individuals commencing with the same letter.

The whole of the title is then construed into one word for the purpose of deciding the position of the name.

The following example illustrates the principle:—

A. B. K. Harrison Reid & Co.—ABKHARRISONREIDANDCO.

A. M. B. Manufacturing Co.— AMBMANUFACTURINGCO.

A. Pearson & Co.— APEARSONANDCO.

OFFICIALS.

Officials are indexed under the name of their Office or Department, *e.g.*, G. G. Leveson Gower, Commissioner of Woods, Forests and Land Revenue, appears in the index under "W" Woods, Forests and Land Revenue Commissioner of, and not under the name of the individual.

It is possible that in respect of some of the older registrations this system was not carried out, and therefore, a search should also be made under the name of the individual (*i.e.*, for registration prior to 1921).

SOCIETIES.

All societies are indexed under their specific name, *i.e.*, ODD-FELLOWS MANCHESTER UNITY FRIENDLY SOCIETY is

indexed as ODDFELLOWS FRIENDLY SOCIETY, regardless of the name and number, etc., of the lodge; similarly as regards RECHABITES, DRUIDS, etc.

ANCIENT ORDER OF FORESTERS comes under "F" (Foresters).

ANCIENT ORDER OF DRUIDS comes under "D" (Druids).

Associations, etc., dealing with a class, trade, etc., are indexed under its title, *e.g.*, The National Association of Operative Plasterers is indexed under "N," *i.e.*, National, but where possible there is a supplementary sheet, *e.g.*, under "P" (Plasterers), that being the specific name of the Class or Trade, etc.

HYPHENATED NAMES.

Hyphens are ignored; the indexing being under the LAST name, *e.g.*, Charles WORTHINGTON-EVANS is indexed under "E" (EVANS Charles Worthington).

N.B.—A searcher should bear in mind that on application to register the fact of the name being an hyphenated one is not always indicated by the applicant.

APOSTROPHES.

Apostrophes are ignored.

A'BARROW as if written "Abarrow."

BROWN'S HOTEL LTD., as if written Brownshotel.

BROWNS' MOTOR WORKS as if written Brownsmotor-works.

PREFIXES.

Prefixes are treated as being part of the name, *e.g.*, De la Rue as if written Delarue.

O'BRIEN as if written Obrien.

St. is treated as if "Saint" (in full).

Mc., Mac. is treated as if "Mac" (in full).

N.B.—A searcher should bear in mind that on application to register the fact of part of the name being a prefix is not always indicated by the applicant.

CONJUNCTIONAL WORDS.

The conjunctional words "and" "of" "for" are treated as part of the title, *e.g.*,

DEAN AND DAWSON as if written "Deananddawson."

BANK OF ENGLAND as if written "Bankofengland."

HOME FOR AGED JEWS as if written "Homeforagedjews."

TITLES.

These are indexed under the determining word, *e.g.*, Portland, Halsbury, etc., and placed according to their Christian names.

Where no Christian names are given the words indicating the rank, *e.g.*, Duke of, Earl of, etc., are disregarded and indexed accordingly to their alphabetical order but placed BEFORE all individuals of the same name, *e.g.*,

John William, Duke of DEVONSHIRE, is treated as DEVONSHIRE, John William (Duke of).

If no Christian name had been given on the application to register the indexing would have been

DEVONSHIRE (Duke of) and placed BEFORE DEVONSHIRE, Aaron.

Where there are two similar titles they are placed by treating the whole title as if one word, *e.g.*,

Lord BALFOUR of Burleigh.

Earl BALFOUR.

the first name is thus considered (for the purpose of placing it in the index) Balfourofburleigh and therefore is placed AFTER the simple word "BALFOUR."

Similarly Marquis CURZON of Kedlestone is considered for placing purposes "Curzonofkedlestone" and thus comes AFTER Viscount CURZON.

Bishops are indexed under their territorial designation, and when the application to register gives the Bishop's Christian and surname he is also indexed as an individual, *e.g.*,

Arthur Foley Winnington Ingram, Bishop of London, is indexed as Ingram, Arthur Foley Winnington. A supplementary sheet is also made for "London, Bishop of."

COLLEGES, HOSPITALS, CITY COMPANIES.

Colleges, Hospitals, etc., having in common use an abbreviated name are indexed under that name, *e.g.*,

All Souls College, Oxford, is to be found under "A," although the full designation is "The Wardens and College of the Souls of all Faithful People deceased of Oxford."

It is common in modern documents to give the abbreviated name, in older documents the full name is usually set out.

Corporation of the Hospital for Consumption and Diseases of the Chest at Brompton is commonly known and will be indexed, as "Brompton (Consumption) Hospital."

The Goldsmiths Company is indexed under "G" although the full designation is "Wardens and Commonalty of the Mystery of Goldsmiths of the City of London."

RECTORS AND VICARS.

When the application to register states that the estate owner is the Rector (or Vicar) and is acting in his official capacity the indexing is that of the name of the parish, *e.g.*, Vicar of Tottenham is indexed under T as Tottenham, Vicar of.

CORPORATIONS, COUNTY, URBAN AND OTHER COUNCILS.

These are indexed by the name of the county or town or district, *e.g.*, County Council of Derbyshire is indexed under D as Derbyshire, County Council of.

Specimen Index.

ILLUSTRATING THE RELATIVE PLACING OF NAMES.

Names, commencing with an Initial.
Names of Individuals.
Names of Firms, Companies, Institutions, etc.
Abbreviated Christian Names.
Affixes ("Bros.," "Co.," "Ltd.," "Son," etc.).
Apostrophes.
Mc and Mac.
Prefixes ("Au," "de," "La," "Le," "Van," etc.).
Saint and St.
Titles.

EXAMPLES.

A. B. K. Harrison & Co.
A. Brown & Co., Ltd.
A. E. Norris & Co., Ltd.
A. Frost, Ltd.
A. M. B. Manufacturing Co., Ltd.

Aaron, William.
Aaron Allan & Co., Ltd.
Aaron Edwards & Co.
Aaron's Home & Hospital.

All, William.
All British Motors, Ltd.
All Saints Hospital.
All Souls College, Oxford.
Allan, Arthur.
Allan, C.
Allan, Charles.
Allan, Chas.
Allan, C. J.
Allan, Henry.
Allan, Hy.
Allan, Jno.
Allan, John.
Allan, W.
Allan, Williams.
Allan, W. K.
Allan, Wm.
Allan, Allaway & Co.
Allan and Co.
Allan and Hanbury, Ltd.
Allan Bros.
Allan Company, Ltd.
Allan, Ltd.
Allan's Agency, Ltd.
Allan, Son & Taylor, Ltd.
Allan's Stores, Ltd.
Allan Thomas & Co.
Allaway, Thos.
Allbrock, Arthur.
Allsop, Charles.
Allsworth, Thomas.

Deavin, Ernest.
Debac, Thomas.
De Barsy, Frederick.
Debenham, Walter.
De Bunsen, Sidney.

Lavington, Hugh.
La Voie.
Legrand, Frank.
Le Grove, John.
Lehamy, Percy.

Mabey, Charles Harold.
McAndrew, Charles.
MacAndrew, Duncan.
Macauley, George.
Macey, Thomas.
McIntosh, John.
Mackintosh, Arnold.

Saint, Arthur.
Saint, Thomas.
St. Andrew's Hospital.
St. Aubye, Joseph.
St. John, Wm.
St. John's Hospital.
St. Ledger, Fredk. Wm.
St. Mary's Hospital.
Saint Thomas' Schools.

Thurbon, Albert.
Thurlow, Chas. Edward (Baron).
Tichborne, Mary (Lady).
Tollemache (Lord).
Tollemache, Arthur.
Tollemache, Bentley David (Lord).
Tollemache, Edward David.
Torrington, Geo. Arthur.
Torrington, Geo. Masters (Viscount).

Vangeen, Max.
Van Gelder, Benjamin.
Van Heerden & Co.
Van Hinker, Thomas.
Vanhouse, John Martin.
Van Houten & Co.
Vanners, Ltd.
Van Nierop, Doris.

Land Charges Act, 1925.

[15 Geo. 5, Ch. 22.]

ARRANGEMENT OF SECTIONS.

A.D. 1925.

PRELIMINARY.

Section.

1. Registers at the land registry.

PART I.

PENDING ACTIONS.

2. Register of pending actions.
3. Protection of purchasers against unregistered pending actions.

PART II.

ANNUITIES.

4. Register of annuities.
5. Protection of purchasers, etc., against unregistered annuities.

PART III.

WRITS AND ORDERS AFFECTING LAND.

6. Register of writs and orders affecting land.
7. Protection of purchasers against unregistered writs and orders.

PART IV.

DEEDS OF ARRANGEMENT.

8. Register of deeds of arrangement affecting land.
9. Protection of purchasers against unregistered deeds of arrangement.

PART V.

LAND CHARGES.

10. Register of land charges.
11. What land charges take effect as legal mortgages.
12. Expenses of registering land charges.
13. Protection of purchasers against land charges created after certain dates.
14. Protection of purchasers against a land charge (Classes A, B or C) not register within one year from assignment.

PART VI.

LOCAL LAND CHARGES.

15. Registration of local land charges.

PART VII.

SEARCHES AND OFFICIAL SEARCHES.

16. Power to make searches.
17. Official certificates of search.

PART VIII.

GENERAL.

18. 7 Anne, c. 20, not to apply to certain instruments.
19. General rules.
20. Definitions.
21. Effect of registration under any Part of Act.
22. Saving of overreaching powers.
23. Application to registered land.
24. Repeals.
25. Application to the Crown.
26. Short title, commencement and extent.

SCHEDULE.

CHAPTER 22.

An Act to consolidate the enactments relating to the registration of pending actions, annuities, writs, orders, deeds of arrangement and land charges, and to searches. [9th April, 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

REGISTERS AT THE LAND REGISTRY.

1.—(1) The registrar shall, subject as provided in this Act in regard to the register of annuities, continue to keep at the registry in the prescribed manner the following registers, namely—

(*a*) a register of pending actions ;

(*b*) a register of annuities ;

(*c*) a register of writs and orders affecting land ;

(*d*) a register of deeds of arrangement affecting land ; and

(*e*) a register of land charges.

(2) An alphabetical index, in the prescribed form, shall be kept at the registry of all entries made in any register kept at the registry pursuant to this Act.

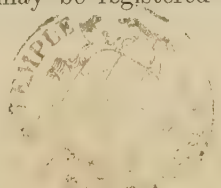
(3) Every application to register shall be in the prescribed form and shall contain the prescribed particulars.

Part I.

Pending Actions.

REGISTER OF PENDING ACTIONS.

2.—(1) A pending action, that is to say, any action, information or proceeding pending in court relating to land or any interest in or charge on land, and a petition in bankruptcy filed after the commencement of this Act, may be registered in the register of pending actions.



(2) Subject to general rules, every application to register a pending action shall contain particulars of—

(*a*) the name, address, and description of the estate owner or other person whose estate or interest is intended to be affected thereby; and

(*b*) the court in which the action, information or proceeding was commenced or filed; and

(*c*) the title of the action, information or proceeding; and

(*d*) the day when the action, information or proceeding was commenced or filed.

(3) The registrar shall forthwith enter the particulars in the register, in the name of the estate owner or other person whose estate or interest is intended to be affected.

(4) In the case of a petition in bankruptcy filed against a firm, the application to register the pending action shall state the names and addresses of the partners, and the registration shall be effected against each partner as well as against the firm.

(5) No fee shall be charged for the registration of a petition in bankruptcy as a pending action if the application therefore is made by the registrar of the court in which the petition is filed.

(6) The court, if it thinks fit, may, upon the determination of the proceedings, or during the pendency thereof if satisfied that the proceedings are not prosecuted in good faith, make an order vacating the registration of the pending action, and direct the party on whose behalf the registration was made to pay all or any of the costs and expenses occasioned by the registration and vacating thereof.

(7) When an office copy of an order of discharge or an acknowledgment of satisfaction in the prescribed form is lodged with the registrar, he may enter discharge or satisfaction of the registered pending action to which it refers, and may issue a certificate in the prescribed form of such discharge or satisfaction.

(8) The registration of a pending action shall cease to have effect at the expiration of five years from the date of registration but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of renewal.

PROTECTION OF PURCHASERS AGAINST UNREGISTERED PENDING ACTIONS.

3.—(1) A pending action shall not bind a purchaser without express notice thereof unless it is for the time being registered pursuant to this Part of this Act:

Provided that as respects a petition in bankruptcy, this subsection only applies in favour of a purchaser of a legal estate in good faith, for money or money's worth, without notice of an available act of bankruptcy.

(2) As respects any transfer or creation of a legal estate, a petition in bankruptcy filed after the commencement of this Act, which is not for the time being registered as a pending action, shall not be notice or evidence of any act of bankruptcy therein alleged.

(3) The title of a trustee in bankruptcy acquired after the commencement of this Act shall be void as against a purchaser of a legal estate in good faith for money or money's worth without notice of an available act of bankruptcy claiming under a conveyance made after the date of registration of the petition in bankruptcy as a pending action, unless, at the date of the conveyance, either the registration of the pending action is in force, or the receiving order is registered pursuant to Part III. of this Act.

Part II.

Annuities.

REGISTER OF ANNUITIES.

4.—(1) No annuity shall be entered in the register of annuities after the commencement of this Act.

(2) An annuity registered before the commencement of this Act in the register of annuities may remain registered until the entry is vacated in the prescribed manner, on the prescribed evidence as to satisfaction, cesser or discharge being furnished.

(3) When an acknowledgment in the prescribed form of satisfaction, cesser or discharge is lodged with the registrar, he may enter satisfaction, cesser or discharge of the registered annuity to which it refers, and may issue a certificate in the prescribed form of such satisfaction, cesser or discharge.

(4) The register of annuities shall be closed when all the entries therein have been vacated or the prescribed evidence of the satisfaction, cesser or discharge of all the annuities has been furnished.

(5) In this Part of this Act the expression "annuity" means a rentcharge or an annuity for one or more life or lives, or for any term of years or greater estate determinable on one or more life or lives created after the twenty-fifth day of April, eighteen hundred and fifty-five, and before the commencement of this Act, and not being a rentcharge or an annuity created by a marriage settlement or will.

PROTECTION OF PURCHASERS, ETC., AGAINST UNREGISTERED ANNUITIES.

5.—An annuity which before the commencement of this Act was capable of being registered in the register of annuities shall be void as against a creditor or a purchaser of any interest in the land charged therewith unless the annuity is for the time being registered in the register of annuities or in the register of land charges as hereinafter provided.

PART III.

WRITS AND ORDERS AFFECTING LAND.

REGISTER OF WRITS AND ORDERS AFFECTING LAND.

6.—(1) There may be registered in the register of writs and orders—

(*a*) any writ or order affecting land issued or made by any court for the purpose of enforcing a judgment, statute or recognizance, whether obtained on behalf of the Crown or otherwise, or for the purpose of enforcing any inquisition finding a debt due to the Crown, or any obligation or specialty made to the Crown;

(*b*) any order appointing a receiver or sequestrator of land;

(*c*) any receiving order in bankruptcy made after the commencement of this Act, whether or not it is known to affect land.

(2) Every entry made pursuant to this section shall be made in the name of the estate owner or other person whose land, if any, is affected by the writ or order registered.

(3) The registration of a writ or order in the said register ceases to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of renewal.

(4) No fee shall be charged for the registration of a receiving order in bankruptcy if the application therefor is made by an official receiver.

(5) The registration of a writ or order affecting land may be vacated pursuant to an order of the court or a judge thereof.

(6) When an office copy of an order for discharge, or an acknowledgment of satisfaction in the prescribed form, is lodged with the registrar, he may enter discharge or satisfaction of the registered writ or order to which it refers, and may issue a certificate in the prescribed form of such discharge or satisfaction.

PROTECTION OF PURCHASERS AGAINST UNREGISTERED WRITS AND ORDERS.

7.—(1) Every such writ and order as is mentioned in the last preceding section, and every delivery in execution or other proceeding taken pursuant to any such writ or order, or in obedience thereto, shall be void as against a purchaser of the land unless the writ or order is for the time being registered pursuant to this Part of this Act:

Provided that as respects a receiving order in bankruptcy, this subsection only applies in favour of a purchaser of a legal estate in good faith, for money or money's worth, without notice of an available act of bankruptcy.

(2) The title of a trustee in bankruptcy acquired after the commencement of this Act shall be void as against a purchaser of a legal estate in good faith for money or money's worth without notice of an available act of bankruptcy, claiming under a conveyance made after the date of registration of the petition in bankruptcy as a pending action, unless, at the date of the conveyance, either the registration of the pending action is in force or the receiving order is registered pursuant to this Part of this Act.

Part IV.

Deeds of Arrangement.

REGISTER OF DEEDS OF ARRANGEMENT AFFECTING LAND.

8.—(1) A deed of arrangement affecting land may be registered in the register of deeds of arrangement affecting land, in the name of the debtor.

(2) The registration may be made on the application of a trustee of the deed, or of a creditor assenting to or taking the benefit of the deed.

(3) The registration may be vacated pursuant to an order of the court or a judge thereof.

(4) The registration of a deed of arrangement in the said register shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and if renewed shall have effect for five years from the date of renewal:

Provided that nothing in this subsection shall affect any registration made under any enactment replaced by this Act until the expiration of one year from the commencement of this Act.

PROTECTION OF PURCHASERS AGAINST UNREGISTERED DEEDS OF ARRANGEMENT.

9. Every deed of arrangement, whether made before or after the commencement of this Act, shall be void as against a purchaser of any land comprised therein or affected thereby unless the deed is for the time being registered pursuant to this Part of this Act.

Part V.

Land Charges.

REGISTER OF LAND CHARGES.

10.—(1) The following classes of charges on, or obligations affecting, land may be registered as land charges in the register of land charges, namely:—

Class A:—A rent, or annuity, or principal money payable by instalments or otherwise, with or without interest, being a charge

(otherwise than by deed) upon land created pursuant to the application of some person either before or after the commencement of this Act—

(i) under the provisions of any Acts of Parliament, for securing to any person either the money spent by him or the costs, charges and expenses incurred by him under such Act, or the money advanced by him for repaying the money spent, or the costs, charges, and expenses incurred by another person under the authority of an Act of Parliament; or

(ii) under section thirty-five of the Land Drainage Act, 1861 (24 & 25 Vict. c. 133); or

(iii) under section twenty or section forty-one of the Agricultural Holdings Act, 1923 (13 & 14 Geo. 5. c. 9), or any previous similar enactment; or

(iv) under section four or section six of the Tithe Act, 1918 (8 & 9 Geo. 5. c. 54); or

(v) under section one of the Tithe Annuities Apportionment Act, 1921 (11 & 12 Geo. 5. c. 20); or

(vi) under paragraph (6) of the Twelfth Schedule to the Law of Property Act, 1922 (12 & 13 Geo. 5. c. 16);

but not including a rate or scot.

Class B:—A charge on land (not being a local land charge) of any of the kinds described in Class A, created otherwise than pursuant to the application of any person, either before or after the commencement of this Act, but if created before such commencement only if acquired under a conveyance made after such commencement.

Class C:—A mortgage charge or obligation affecting land of any of the following kinds, created either before or after the commencement of this Act, but if created before such commencement only if acquired under a conveyance made after such commencement, namely:—

(i) Any legal mortgage not being a mortgage protected by a deposit of documents relating to the legal estate affected, and (where the whole of the land affected is within the jurisdiction of a local deeds registry) not being registered in the local deeds register (in this Act called a "puisne mortgage"); and

(ii) Any equitable charge acquired by a tenant for life or statutory owner under the Finance Act, 1894 (57 & 58 Vict. c. 30), or any other statute, by reason of the discharge by him of any death duties or other liabilities, and to which special priority is given by the statute (in this Act called "a limited owner's charge"); and

(iii) Any other equitable charge, which is not secured by a deposit of documents relating to the legal estate affected and does not arise or affect an interest arising under a trust for sale or a settlement and is not included in any other class of land charge (in this Act called "a general equitable charge"); and

(iv) Any contract by an estate owner or by a person entitled at the date of the contract to have a legal estate conveyed to him to convey or create a legal estate, including a contract conferring either expressly or by statutory implication a valid option of purchase, a right of pre-emption or any other like right (in this Act referred to as "an estate contract").

Class D:—A charge or obligation affecting land of any of the following kinds, namely:—

(i) Any charge acquired by the Commissioners of Inland Revenue under any statute passed or hereafter to be passed for death duties leviable or payable on any death which occurs after the commencement of this Act; and

(ii) A covenant or agreement (not being a covenant or agreement made between a lessor and lessee) restrictive of the user of land entered into after the commencement of this Act (in this Act referred to as "a restrictive covenant"); and

(iii) Any easement right or privilege over or affecting land created or arising after the commencement of this Act, and being merely an equitable interest (in this Act referred to as an "equitable easement").

Class E:—An annuity within the meaning of Part II. of this Act created before the commencement of this Act and not registered in the register of annuities.

(2) A land charge shall be registered in the name of the estate owner whose estate is intended to be affected except that, in the case

of a land charge registered before the commencement of this Act, under any enactment replaced by this Act, in the name of a person not being the estate owner, it may remain so registered until it is registered in the name of the estate owner in the prescribed manner.

(3) Where a land charge is not created by an instrument, short particulars of the effect of the charge shall be furnished with the application to register the charge.

(4) Nothing in this section shall be deemed to authorise the Commissioners of Inland Revenue to register a land charge in respect of any claim for death duties unless the duty has become a charge on the land, and the application to register any such charge shall state the duties in respect of which the charge is claimed, and, so far as possible, shall define the land affected, and such particulars shall be entered or referred to in the register.

(5) In the case of a land charge for securing money, created by a company, registration under section ninety-three of the Companies (Consolidation) Act, 1908 (8 Edw. 7. c. 69), shall be sufficient in place of registration under this Act, and shall have effect as if the land charge had been registered under this Act.

(6) In the case of a general equitable charge, restrictive covenant, equitable easement or estate contract affecting land within any of the three ridings, the registration in the prescribed manner in the appropriate local deeds registry of the document creating it shall be sufficient in place of registration under this Act, and the registration shall, as respects such land, have effect as if the land charge created by the document had been registered under this Act.

(7) A puisne mortgage created before the commencement of this Act may be registered as a land charge before any transfer of the mortgage is made.

(8) The registration of a land charge may be vacated pursuant to an order of the court or a judge thereof.

LAND CHARGES OF CLASSES A & B TAKE EFFECT AS LEGAL MORTGAGES.

11. A land charge of Class A or Class B for securing money, created before or after the commencement of this Act, shall, when registered, take effect as if it had been created by a deed of charge by way of legal mortgage, but without prejudice to the priority of the charge.

EXPENSES OF REGISTERING LAND CHARGES.

12.—(1) Except as in this section provided, the expenses incurred by the person entitled to a land charge created before or after the commencement of this Act in causing the charge to be registered in the appropriate register shall be deemed to form part of the land charge, and shall be recoverable by him accordingly on the day for payment of any part of the land charge next after such expenses are incurred.

(2) This section does not apply to the expenses incurred in registering a land charge of Class E or in registering as a land charge a restrictive covenant, an equitable easement or an estate contract.

PROTECTION OF PURCHASERS AGAINST LAND CHARGES CREATED AFTER CERTAIN DATES.

13.—(1) A land charge of Class A created after the thirty-first day of December, eighteen hundred and eighty-eight, shall be void as against a purchaser of the land charged therewith or of any interest in such land, unless the land charge is registered in the register of land charges before the completion of the purchase.

(2) A land charge of Class B, Class C or Class D, created or arising after the commencement of this Act, shall (except as hereinafter provided) be void as against a purchaser of the land charged therewith, or of any interest in such land, unless the land charged is registered in the appropriate register before the completion of the purchase :

Provided that, as respects a land charge of Class D and an estate contract created or entered into after the commencement of this Act, this subsection only applies in favour of a purchaser of a legal estate for money or money's worth.

PROTECTION OF PURCHASERS AGAINST A LAND CHARGE (CLASSES A, B OR C) NOT REGISTERED WITHIN ONE YEAR FROM ASSIGNMENT.

14.—(1) After the expiration of one year from the first conveyance, occurring on or after the first day of January, eighteen hundred and eighty-nine, of a land charge of Class A created before that date, the person entitled thereto shall not be able to recover the land charge or any part thereof as against a purchaser of the land charged therewith or of any interest in the land, unless the land charge is registered in the register of land charges before the completion of the purchase.

(2) After the expiration of one year from the first conveyance, occurring after the commencement of this Act, of a land charge of Class B or Class C created before such commencement, the person entitled thereto shall not be able to enforce or recover the land charge or any part thereof as against a purchaser of the land charged therewith, or of any interest in the land, unless the land charge is registered in the appropriate register before the completion of the purchase.

Part VI.

Local Land Charges.

REGISTRATION OF LOCAL LAND CHARGES.

15.—(1) Any charge (hereinafter called "a local land charge") acquired either before or after the commencement of this Act by the council of any administrative county, metropolitan borough, or urban or rural district, or by the corporation of any municipal borough, or by any other local authority under the Public Health Acts, 1875 to 1907, the Metropolis Management Acts, 1855 to 1893, or the Private Street Works Act, 1892, or under any similar statute (public general or local or private) passed or hereafter to be passed, which takes effect by virtue of the statute, shall be registered in the prescribed manner by the proper officer of the local authority, and shall (except as hereinafter mentioned in regard to charges created or arising before the commencement of this Act) be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby, unless registered in the appropriate register before the completion of the purchase.

(2) Except as expressly provided by this section, the provisions of this Act relating to a land charge of Class B shall apply to a local land charge.

(3) As regards a local land charge, the registration by the proper officer shall (without prejudice to the right of the registrar also to register the charge if and when the prescribed application and information is made and furnished to him) take the place of registration by the registrar, and, in reference thereto, the proper officer of the local authority shall have all the powers and be subject to the same obligations as the registrar has or is subject to in regard to a land charge.

(4) Where a local authority has expended money for any purpose which, when the work is completed, and any requisite resolution is passed or order is made, will confer a charge upon land, the

proper officer of the local authority may in the meantime register a local land charge in his register against the land generally, without specifying the amount, but the registration of any such general charge shall be cancelled within the prescribed time not being less than one year after the charge is ascertained and allotted, and thereupon the specific local land charges shall, unless previously discharged, be registered as of the date on which the general charge was registered.

(5) Nothing in this section operates to impose any obligation to register any local land charge created or arising before the commencement of this Act except after the expiration of one year from such commencement or to discharge a purchaser from liability in respect of any local land charge which is not for the time being required to be registered.

(6) Separate rules may be made under this Act in reference to local land charges for giving effect to the provisions of this section and in particular—

(*a*) for prescribing the mode of registration of a general or specific charge;

(*b*) for empowering a local authority, where it has no means (without incurring unreasonable expense) of ascertaining the person against whom a specific charge should be registered, to register the same only against the land affected;

(*c*) for prescribing the proper officer to act as local registrar, and making provision as to official certificates of search to be given by him in reference to subsisting entries in his register;

(*d*) for determining the effect of an official certificate of search in regard to the protection of a purchaser, solicitor, trustee or other person in a fiduciary position, and for prescribing the fees to be paid for any such certificate or for a search;

(*e*) for prescribing the fees, if any, to be paid for the cancellation of an entry in the register.

(7) For the purposes of this section, any prohibition of or restriction on the user or mode of user of land or buildings enforceable by any local authority by virtue of any statute or any order, scheme or instrument made in pursuance of any statute, and any resolution passed by a local authority to prepare or adopt a town planning

scheme, shall be deemed to be a restrictive covenant, and where arising or passed after the commencement of this Act shall be registered by the proper officer as a local land charge :

Provided that any such prohibition, restriction or resolution affecting an area or district may be registered generally against the area or district by reference to the statute, order, scheme, or instrument under which it is imposed.

(8) This section applies to local land charges affecting registered as well as unregistered land.

Part VII.

Searchers and Official Searches.

POWER TO MAKE SEARCHES.

16. Any person may search in any register or index kept in pursuance of this Act on paying the prescribed fee.

OFFICIAL CERTIFICATES OF SEARCH.

17.—(1) Where any person requires search to be made at the registry for entries of any matters or documents, whereof entries are required or allowed to be made in the registry by this Act, he may on payment of the prescribed fee lodge at the registry a requisition in that behalf.

(2) The registrar shall thereupon make the search required, and shall issue a certificate setting forth the result thereof.

(3) In favour of a purchaser or an intending purchaser, as against persons interested under or in respect of matters or documents whereof entries are required or allowed as aforesaid, the certificate, according to the tenor thereof, shall be conclusive, affirmatively or negatively, as the case may be.

(4) Every requisition under this section shall be in writing, signed by the person making the same, specifying the name against which he desires search to be made, or in relation to which he requires a certificate of result of search, and other sufficient particulars.

(5) If any officer, clerk, or person employed in the registry commits, or is party or privy to, any act of fraud or collusion, or is wilfully negligent, in the making of or otherwise in relation to any certificate under this section, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to

imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(6) Nothing in this section or in any rule made under this Act affects any right which any person may have independently of this section to make any search in the registry; and every such search may be made as if this section or any such rule had not been enacted or made.

(7) Where a solicitor obtains a certificate of result of search under this section, he shall not be answerable in respect of any loss that may arise from error in the certificate.

(8) Where the solicitor is acting for trustees, executors, agents, or other persons in a fiduciary position, those persons also shall not be so answerable.

(9) Where such persons obtain such a certificate without a solicitor, they shall also be protected in like manner.

Part VIII.

General.

7 ANNE, c. 20, NOT TO APPLY TO CERTAIN INSTRUMENTS.

18. It is not necessary to register under the Middlesex Registry Act, 1708—

(*a*) any deed of arrangement, land charge of Class A or other instrument made or created on or after the thirtieth day of July, nineteen hundred; or

(*b*) any land charge (except a puisne mortgage) of Class B, Class C or Class D created or made after the commencement of this Act;

which is or was capable of registration under this Act, or any enactment replaced by this Act.

GENERAL RULES.

19.—(1) The Lord Chancellor may, with the concurrence of the Treasury as to fees, make such general rules as may be required for carrying this Act into effect, and in particular—

(*a*) as to forms and contents of applications for registration, modes of identifying where practicable the land affected, requisitions for and certificates of official searches, and regulating the practice of the registry in connection therewith;

(*b*) for providing for the mode of registration of a land charge (and in the case of a puisne mortgage, general equitable charge, estate contract, restrictive covenant or equitable easement by reference to the instrument imposing or creating the charge, interest or restriction, or an extract therefrom) and for the cancellation without an order of court of the registration of a land charge, on the cesser thereof, or with the consent of the person entitled thereto, or on sufficient evidence being furnished that the land charge has been overreached under the provisions of any statute or otherwise.

(2) As respects the registration and re-registration—

(*a*) of a petition in bankruptcy as a pending action; and

(*b*) of a receiving order in bankruptcy as an order affecting land;

rules may be made under and in the manner provided by section one hundred and thirty-two of the Bankruptcy Act, 1914 (4 & 5 Geo. 5. c. 59), as if the registration and re-registration were required by that Act.

DEFINITIONS.

20. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

(1) "Conveyance" includes a mortgage, charge, lease, assent, vesting declaration, vesting instrument, release and every other assurance of property, or of an interest therein, by any instrument except a will, and "convey" has a corresponding meaning;

(2) "Court" means the High Court of Justice, also the Court of Chancery of the County Palatine of Lancaster or Durham or the county court where those courts respectively have jurisdiction;

(3) "Deed of arrangement" has the same meaning as in the Deeds of Arrangement Act, 1914 (4 & 5 Geo. 5. c. 47);

(4) "Estate owner," "legal estate," "equitable interest," "trust for sale," "charge by way of legal mortgage," "will," and "death duty" have the same meanings as in the Law of Property Act, 1925 (15 Geo. 5. c. 20);

(5) "Judgment" includes any order, rule or decree having the effect of a judgment;

(6) "Land" includes land of any tenure, and mines and minerals, whether or not severed from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments, also a manor, an advowson and a rent and other incorporeal hereditaments, and an easement, right, privilege or benefit in, over or derived from land, but not an undivided share in land, and "hereditament" means real property which, on an intestacy occurring before the commencement of this Act, might have devolved on an heir;

(7) "Land charge" means a land charge of every class and includes a local land charge;

(8) "Purchaser" means any person (including a mortgagee or lessee) who, for valuable consideration, takes any interest in land or in a charge on land; and "purchase" has a corresponding meaning;

(9) "Prescribed" means prescribed by rules made pursuant to this Act;

(10) "Registrar" means the Chief Land Registrar; "registry" means His Majesty's Land Registry; and "registered land" has the same meaning as in the Land Registration Act, 1925 (15 Geo. 5. c. 21);

(11) "Restrictive covenant" includes the conditions, stipulations and restrictions which the Commissioners of Works may, under any statutory power, impose on enfranchised land, after the commencement of this Act, for the protection of the amenities of royal parks, gardens, and palaces;

(12) "The three ridings" has the same meaning as in the Yorkshire Registries Act, 1884 (47 & 48 Vict. c. 54);

(13) "Tenant for life," "statutory owner," "vesting instrument" and "settlement" have the same meanings as in the Settled Land Act, 1925 (15 Geo. 5. c. 18).

EFFECT OF REGISTRATION UNDER ANY PART OF ACT.

21. Where any charge or other matter is capable of registration under two or more Parts of this Act, it shall be sufficient if it is registered under any one Part, and if registered under such one Part the person entitled to the benefit thereof shall not be prejudicially affected by the provisions of another Part by reason only that it was not also registered under that other Part.

SAVING OF OVERREACHING POWERS.

22.—(1) The registration of any charge, annuity, or other interest under this Act shall not prevent the charge, annuity, or interest being overreached under any provision contained in any other statute, except where otherwise provided by that other statute. (See also Note K in Appendix).

(2) The registration as a land charge of a puisne mortgage or charge shall not operate to prevent that mortgage or charge being overreached in favour of a prior mortgagee or a person deriving title under him where, by reason of a sale foreclosure or otherwise, the right of the puisne mortgagee or subsequent chargee to redeem is barred.

APPLICATION TO REGISTERED LAND.

23.—(1) As respects pending actions, writs, orders, deeds of arrangement and land charges (not including local land charges) required to be registered or re-registered after the commencement of this Act, this Act shall not apply thereto, if and so far as they affect registered land, and can be protected under the Land Registration Act, 1925, by lodging or registering a creditor's notice, restriction, caution, inhibition or other notice.

(2) Nothing in this Act imposes on the registrar any obligation to ascertain whether or not a pending action, writ, order, deed of arrangement or land charge affects registered land.

REPEALS.

24. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (52 & 53 Vict. c. 63.)

(*a*) Nothing in this repeal shall affect any entry in a register made under any enactment so repealed, but the registration shall have effect as if made under this Act ;

(*b*) Nothing in this repeal shall affect any rules made under any enactment so repealed, but all such rules shall continue in force as if made under the corresponding enactment in this Act ;

(*c*) References in any document to any enactment repealed by this Act shall be construed as references to this Act or to the corresponding enactment in this Act.

APPLICATION TO THE CROWN.

25. The provisions of this Act bind the Crown, but nothing in this Act shall be construed as rendering land owned by or occupied for the purposes of the Crown subject to any charge to which, independently of this Act, it would not be subject.

SHORT TITLE, COMMENCEMENT AND EXTENT.

26.—(1) This Act may be cited as the Land Charges Act, 1925.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-six.

(3) This Act extends to England and Wales only.

SCHEDULE.

A.D. 1925.

REPEALS.

Section 24.

Session and Chapter.	Short Title.	Extent of Repeals.
2 & 3 Vict. c. 11 -	The Judgments Act, 1839.	Sections four, seven, ten and eleven.
13 & 14 Vict. c. 43 -	The Court of Chancery Lancaster Act, 1850.	Section twenty-four.
18 & 19 Vict. c. 15 -	The Judgments Act, 1855.	Sections three, twelve, thirteen and fourteen.
22 & 23 Vict. c. 35 -	The Law of Property Amendment Act, 1859	Section twenty-two.
23 & 24 Vict. c. 115	The Crown Debts and Judgments Act, 1860.	Section two.
30 & 31 Vict. c. 47 -	The Lis Pendens Act, 1867.	Section two.
45 & 46 Vict. c. 39 -	The Conveyancing Act, 1882.	Section two.
51 & 52 Vict. c. 51 -	The Land Charges Registration and Searches Act, 1888.	The whole Act.
57 & 58 Vict. c. 16 -	The Supreme Court of Judicature (Procedure) Act, 1894.	The reference in the Schedule to the Lis Pendens Act, 1867.
63 & 64 Vict. c. 26 -	The Land Charges Act, 1900.	The whole Act.
12 & 13 Geo. 5. c. 16	The Law of Property Act, 1922.	Sections fourteen and sixteen, and the Seventh Schedule.
15 Geo. 5. c. 5 - -	The Law of Property (Amendment) Act, 1924.	Section six, and the Sixth Schedule.

THE LAND CHARGES RULES, 1925, DATED NOVEMBER 3RD, 1925, MADE BY THE LORD CHANCELLOR UNDER THE LAND CHARGES ACT, 1925 (15 & 16, GEO. 5, C. 22).

By virtue, and in pursuance of the Land Charges Act, 1925, I, George Viscount Cave, Lord High Chancellor of Great Britain, do make the following General Rules for the purpose of carrying the said Act into effect.

GENERAL RULES.

FORM AND PARTICULARS IN REGISTERS.

1. The several Registers directed by the Act to be continued to be kept at the Registry shall contain the particulars set out in these Rules affecting them respectively.

REGISTER OF PENDING ACTIONS.

2. The Register of Pending Actions shall contain :—

(*a*) The name, address, and description of the estate owner, or other person, whose estate or interest is intended to be affected thereby.

(*b*) The court in which the action, information, or proceeding was commenced or filed.

(*c*) The title of the action, information or proceeding.

(*d*) The day when the action, information or proceeding was commenced or filed.

(*e*) The date of registration, and of any renewal of registration.

(*f*) The name and address of the applicant making the application.

(*g*) Where practicable, the county and parish, or place, or district in which the land intended to be affected is situated.

REGISTER OF ANNUITIES.

3. Entries permitted by the Act to be made in the Register of Annuities shall be made in such manner, and on the production of such evidence, as the Registrar shall direct.

REGISTER OF WRITS AND ORDERS.

4. The Register of Writs and Orders shall contain :—

(*a*) The name, address, and description of the estate owner, or other person, whose land (if any) is affected.

(*b*) The date and nature of the writ or order, and the court, and the action or matter, by and in which the writ or order was issued or made.

(*c*) The date of registration, and of any renewal of registration.

(*d*) The name and address of the applicant making the application.

(*e*) Where practicable, the county and parish, or place, or district in which the land intended to be affected is situated.

REGISTER OF DEEDS OF ARRANGEMENT.

5. The Register of Deeds of Arrangement shall contain :—

(*a*) The name, address, and description of the person whose land is affected.

(*b*) The date of the deed and the names of the parties, provided that where the creditors are numerous it shall not be necessary to specify more than three.

(*c*) The date of registration, and of any renewal of registration.

(*d*) The name and address of the applicant making the application.

(*e*) Where practicable, the county and parish, or place, or district in which the land intended to be affected is situated.

REGISTER OF LAND CHARGES.

6. The Register of Land Charges shall contain :—

(*a*) The name, address and description of the estate owner whose estate is intended to be affected.

(*b*) The date of the Charge, the Class and kind of the Charge, and the Statute (if any) under which it is made.

(*c*) The date of registration.

(*d*) The name and address of the applicant making the application.

(*e*) The county or riding and parish, or township, or place, or district in which the land charged or affected is situated.

STATUTORY DECLARATION.

7. Every application for registration shall, unless made by a practising Solicitor, be supported by a statutory declaration of the applicant, on form L.C. 9 in the Schedule hereto, as to the truth of the particulars set forth in it.

ALPHABETICAL INDEX.

8. The alphabetical index shall be in form L.C. 15 in the Schedule hereto.

FORM OF APPLICATIONS.

9.—(1) Applications for registration, renewal of registration, searches (official and otherwise), office copies of, or extracts from, all books and documents in the Registry open to public inspection, and official certificates, shall be made on, and shall furnish the particulars set forth in, the several forms for those purposes given in the Schedule hereto, or on such other forms as the Registrar shall from time to time determine.

(2) (*a*) Applications shall not unless the Registrar otherwise directs be accompanied by the original deeds or instruments (if any) in respect of which they are made.

(*b*) In the case of a puisne mortgage, general equitable charge, estate contract, restrictive covenant, or equitable easement, an application may be accompanied by a copy of the original deed or instrument, or an extract therefrom, but such copy of extract shall only be made on form L.C. 4 supplemented if necessary by L.C. 13 in the Schedule hereto.

APPLICATIONS FOR ENTRY OF SATISFACTION, CESSER, DISCHARGE. VACATION OR CANCELLATION.

10.—(1) Applications for the entry of satisfaction, cesser, discharge, vacation, or cancellation of a registration shall be made on, and shall furnish the particulars set forth in, the several forms for these purposes given in the Schedule hereto, or on such other forms as the Registrar shall from time to time determine.

(2) Such evidence in respect thereof as the Registrar shall think necessary shall also be furnished if required.

DELIVERY OF APPLICATIONS.

11. Applications accompanied by the prescribed fee may be :—

(1) sent by prepaid post, envelopes being addressed to the Land Charges Superintendent, H.M. Land Registry, Lincoln's Inn Fields, London, W.C. 2, or

(2) delivered by the applicant or his solicitor at the Land Charges Department of the Land Registry.

SEPARATE FORM TO BE USED FOR THE NAME OF EACH PERSON TO BE ENTERED ON A REGISTER.

12.—(1) A separate form of application shall be used for the name of each person to be entered on any of the Registers, unless otherwise directed by the Registrar.

(2) Where more than one form of application is used under this Rule, it shall not be necessary to supply more than one copy, or extract of the same deed, or document, referred to thereon unless the Registrar otherwise directs.

MODIFICATION OF ENTRIES ON THE REGISTER.

13. In any case of modification or rectification of entries on the Register such evidence in respect thereof as the Registrar shall from time to time think necessary shall be furnished.

SALE OF FORMS.

14.—(1) All forms, except such as may from time to time be issued by direction of the Registrar free of charge, shall be sold under arrangements to be made by H.M. Stationery Office, or otherwise as the Registrar may from time to time approve.

(2) No forms other than those so issued, sold or approved shall be accepted for registration.

REGISTRATION OF CERTAIN LAND CHARGES IN THE YORKSHIRE DEEDS REGISTRIES.

15. These Rules with the forms prescribed thereunder and the Land Charges Fee Order, 1925 (*a*) shall save as in this rule hereinafter mentioned apply for the purpose of sub-section (6) of section ten of the Act :—

(1) The " Registrar " shall mean the registrar of the local deeds registry and shall include any person authorised to act on his behalf.

(*a*) Statutory Rules and Orders 1925, No. 1097.

(2) The name of the appropriate local deeds registry shall be substituted for the Registry.

(3) Rule 11 shall not apply and applications may be—

(*a*) sent by prepaid post, envelopes being addressed to the Registrar of the appropriate local deeds registry, and accompanied by the prescribed fee; and a stamped addressed cover for re-postage if required, or

(*b*) delivered by the applicant or by his solicitor at the appropriate deeds registry with the prescribed fee and a stamped addressed cover for postage if required.

(4) The forms in the Schedule hereto where applicable shall, in each local deeds registry, contain such modifications or alterations as the Registrar shall from time to time determine.

INTERPRETATION.

16.—(1) In these Rules "the Act" means the Land Charges Act, 1925, and words or expressions, defined in the Act, have the same meaning in these Rules as in the Act.

RESCISSION OF FORMER RULES.

17. The Land Charges Rules, 1889, and the Rules made under section two of the Conveyancing Act, 1882 (*b*) are rescinded.

SHORT TITLE AND COMMENCEMENT.

18. These Rules may be cited as the Land Charges Rules, 1925, and shall come into operation on the first day of January, 1926.

Dated the 3rd day of November, 1925.

Cave, C.

The Schedule.

Note.—Where an application refers to a plan a copy of the plan must be made on the back of the form. If the space is insufficient a tracing of the plan upon linen (of a size *not less* than the form), signed by the applicant or his Solicitor, must be lodged with the application. The tracing must have a margin of at least two inches on the left hand side for binding.

FORM L.C. 1.—APPLICATION FOR REGISTRATION OF A PENDING ACTION.

Application for registration of a Pending Action, namely

affecting land situate in the County of

in the Parish or Place or District of

The Estate Owner or other person whose estate or interest is intended to be affected is

The Action, Information or Proceeding was commenced or filed in (*state Court*) under the title of on the

(*Name and address of applicant making the application*)

Date

(*b*) 45-6 Vic., c. 39.

FORM L.C. 2.—APPLICATION FOR REGISTRATION OF A WRIT OR ORDER.

Application for registration of a (*Writ or Order*)
affecting land situate in the County of
in the Parish or Place or District of

Issued or made by (*state Court*) in the Action or
Matter entitled the reference number
of which is

The Estate Owner or other person whose land is affected is

.

(*Name and address of applicant making the application*)

Date .

FORM L.C. 3.—APPLICATION FOR REGISTRATION OF A DEED OF ARRANGEMENT.

Application for registration of a Deed of Arrangement (*date and parties*)
affecting land situate in the County of
in the Parish or Place or District of

The Debtor is

This Application is made by
who is

Date .

FORM L.C. 4.—APPLICATION FOR REGISTRATION OF A LAND CHARGE.

Application for registration of a Land Charge
Class
being*
affecting land situate in the County of
in the Parish or Place or District of

The Estate Owner is

The said land charge is in favour of

(*Name and address of applicant making the application*)

Date .

FORM L.C. 5.—APPLICATION FOR THE RENEWAL OF A REGISTRATION.

Application for the Renewal of the registration of a
which was registered at the Land Registry in the name of
on the day of 192 , the
reference number of which is .

(*Name and address of the applicant making the application*)

Date .

---

* Insert here the date of the charge, the kind of the charge and the Statute (if any) under which it is made.

FORM L.C. 6.—APPLICATION FOR REGISTRATION OF AN ORDER OF DISCHARGE OR VACATION OR SATISFACTION.

Application for registration of the annexed (*Order of Discharge, or, as the case may be*) of the (*kind of registration*) registered at the Land Registry on the the reference number of which is .

The Estate Owner or other person whose estate or interest was affected is .

The Title of the Action was .

(*Name and address of the applicant making the application*)

Date .

FORM L.C. 7.—ACKNOWLEDGMENT OF SATISFACTION.

I, (*Applicant*) of hereby expressly nominate and appoint (name and address of Solicitor)

to witness and attend the execution by me of this Acknowledgment of Satisfaction of (*kind of registration*) which was registered in the Land Registry on the day of , 192 , the registration reference No. being .

Signed by the said in the presence of me the undersigned of one of the Solicitors of the Supreme Court of Judicature, and I hereby declare myself to be the Solicitor for and on behalf of the said expressly named by h and attending at h request to inform h of the nature and effect of this Acknowledgment of Satisfaction (*which I accordingly did before the same was signed by h*). And I also declare that I subscribe my name as a witness hereto as such Solicitor and on behalf of the said .

Date .

FORM L.C. 8.—APPLICATION FOR THE CANCELLATION OF THE REGISTRATION OF A LAND CHARGE.

Application for the Cancellation of the registration of the Land Charge registered on the day of 192 (Reference No.) in the name of affecting land situate in the County of in the Parish or Place or District of .

The Cancellation is (*here state reason of cancellation*)

(*Name and address of the applicant making the application*)

Date

F

FORM L.C. 9.—DECLARATION IN SUPPORT OF AN APPLICATION TO REGISTER.

I, of
solemnly and sincerely declare that the
whereof the particulars are set forth in the application for registration thereof, marked "A," and now produced and shown to me was actually
at the time and in the manner in the said application mentioned, and that the particulars set forth therein are to the best of my knowledge, information and belief, true.

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared by the said
this day of 192 , before me .

FORM L.C. 10.—APPLICATION FOR A CERTIFICATE THAT THE RENEWAL, SATISFACTION, VACATION OR CANCELLATION OF A REGISTRATION HAS BEEN REGISTERED.

Application for a Certificate that the registration of (*kind of registration*) which was registered at the Land Registry
in the name of (*Estate Owner*) on the
day of 192 , the reference number
of whch is .
has been renewed, satisfied, vacated, or cancelled as the case may be.

Date .

(*Name and address of applicant making the application*)

It is hereby certified that the above registration
has been { Renewed / Satisfied / Vacated / Cancelled } on the Register.

Seal.

Date .

Note.—This form when intended for use in a local deeds registry must be prepared in duplicate.

FORM L.C. 11.—APPLICATION FOR AN OFFICIAL SEARCH.

Official Number.

A search of the Alphabetical Index to the Registers is required for subsisting entries against the undermentioned names affecting land in the county of

and Parish or Place or District of
up to and including the* day of 1926.

* Here insert date the Certificate is to be issued.

Surname (in block letters).	Christian Names (in block letters).	All addresses title, trade or profession.

I (or We) certify that this search is required in respect of one transaction only.

I (or We) { request that the result of the search be / *or* / request that the result of the search be expedited and } { Posted / Delivered to Messenger / Telegraphed / Telephoned }

Signature of Applicant
(or of his Solicitor)
Address

Telephone No. Date

Telegraphic Address

OFFICIAL CERTIFICATE.

The Search against the above reveals { No subsisting entries. / Only the subsisting entries set out in the Schedule on the back hereof. }

Dated this day of , 1926.

THE SEAL OF H.M. LAND REGISTRY.

The SCHEDULE referred to in the Certificate.

Name.	Nature of Registration.	Date of Registration.	Situation of the land affected.	
			County.	Parish, or Place, or District.

Note.—This form when intended for use in a local deeds registry must be prepared in duplicate.

FORM L.C. 12.—APPLICATION FOR PERSONAL SEARCH.

I (or We)

of

apply to make a Search in the Index against the undementioned names.

Dated this day of 192 .

Surname.	Christian Name.

FORM L.C. 13.—SUPPLEMENTARY PARTICULARS.

Continuation of an application for registration of a (*kind of registration*) in the name of (*Estate Owner*) .

FORM L.C. 14.—APPLICATION FOR AN OFFICE COPY OF AN ENTRY IN A REGISTER.

Application is hereby made for an Office Copy of the entry in the Register of

Pending Actions,

Writs and Orders,

Deeds of Arrangement,

Land Charges (Class),

registered against (*Estate Owner or other person whose land is affected.*)

The official date of registration is

and the official reference number is

(*Name and address of applicant making the application*)

FORM L.C. 15.—FORM OF ALPHABETICAL INDEX.

Address.	Title, Trade or Profession.	Name.

Reference.		Situation of land.	
Register.	Date of Registration.	County.	Parish or Place.

THE LAND CHARGES FEES ORDER, 1925. DATED NOVEMBER 3rd, 1925.

By virtue and in pursuance of the Land Charges Act, 1925 (*a*) I George Viscount Cave, Lord High Chancellor of Great Britain, with the concurrence of the Lords Commissioners of His Majesty's Treasury, do hereby annul the Rule as to Fees dated 8th August, 1900 (*b*) made under the Land Charges Registration and Searches Act, 1888 (*c*) and the Land Charges Act, 1900 (*d*) and do determine that the following Fees shall be paid under the said Act subject to the Regulations hereinafter contained :—

		s.	*d.*
1. Registrations	per name	2	6
2. Entry of satisfaction, cesser, discharge, vacation, or cancellation of a registration	per name	2	6
3. Certificate of satisfaction, cesser or discharge		1	0
4. Renewal of registration	per name	1	0
5. Modification or rectification of an Entry	per name	2	6
6. Personal Search in the Alphabetical Index	per name	2	0
7. Personal Search in any Register	per name	2	0

(*a*) 15 Geo. 5, c. 22.
(*b*) S.R. & O. 1900, No. 633.
(*c*) 51-2 Vic., c. 51.
(*d*) 63-4 Vic., c. 26.

		s.	d.
8.	Official Search in the Alphabetical Index :—		
	(*a*) against one name at one address (including issue of certificate)	5	0
	(*b*) against the same name but with additional addresses ... ... per address	2	6
9.	Official Search in any one of the Registers :—		
	(*a*) against one name at one address (including issue of certificate)	5	0
	(*b*) against the same name with additional addresses ... ... per address	2	6
10.	Office copy of any entry in any of the Registers (not including a copy or extract of any plan or document filed in the Registry) ...	2	6
11.	Office copy of any plan or other document filed in the Registry, such further fee, according to the time and labour employed, as the Registrar shall prescribe		
12.	Expediting an Official Search ... ... per name	5	0
13.	Telegraphing or Telephoning the result of an Official Search ... ... per name (which includes the cost of the telegraph or telephone if such cost does not exceed 1s.).	2	6

Regulations as to Fees.

1. All fees, except those payable in respect of registration under sub-section (6) of section 10 of the Act shall be prepaid by Land Registry stamps.

2. Land Registry stamps shall be purchased in the Registry and such other places as may from time to time be appointed and may be paid for by cash or by cheque, postal or money order, made payable to H.M. Commissioners of Inland Revenue.

3. All fees in respect of registration under sub-section (6) of section 10 of the Act shall be prepaid in cash at the local deeds registry or by cheque, postal or money order, made payable to the Registrar of the appropriate deeds Registry.

4. All fees may be sent by post.

5. Where the amount of the fee is not defined, or immediately ascertainable, such deposit shall be made as the Registrar shall direct.

6. The fees prescribed for expediting an official search and for telegraphing or telephoning the result of the search shall not apply to the local deeds registries and no right to make an application to a local deeds Registrar for these purposes shall be implied.

7. Where the Registrar, in the exercise of his discretion, authorises an application, search or official certificate of search to be made or granted in a manner which involves a reduction of fees, he may require such fees to be paid, having regard to the time and labour involved or likely to be involved, not exceeding the fees which would have been payable had his discretion not been so exercised, as he may think reasonable.

8. These Regulations shall come into operation on the 1st day of January 1926, and may be cited as the Land Charges Fees Order, 1925.

Dated the 3rd day of November, 1925.

Cave, C.

George Hennessy Curzon. } Lords Commissioners of His Majesty's Treasury.

List of Forms.

(N.B.—For facsimiles of the Forms see following pages.)

		Price.
L.C. 1.	Application to register a Pending Action ...	2d. each, or 25 for 3/-
L.C. 2.	„ „ „ a Writ or Order ...	2d. „ „ 25 „ 3/-
L.C. 3.	„ „ „ a Deed of Arrangement	2d. „ „ 25 „ 3/-
L.C. 4.	„ „ „ a Land Charge ...	2d. „ „ 25 „ 3/-
L.C. 5.	„ „ „ a Renewal of registration	1d. „ „ 25 „ 1/-
L.C. 6.	„ „ „ an Order of Discharge, Vacation, or Satisfaction	1d. „ „ 25 „ 1/-
L.C. 7.	„ „ „ Acknowledgment of Satisfaction ...	1d. „ „ 25 „ 1/-
L.C. 8.	„ „ „ Cancellation of Registration of a Land Charge	1d. „ „ 25 „ 1/-
L.C. 9.	Statutory Declaration in support of an application to register	2d. „ „ 25 „ 3/-
L.C. 10.	Application for a Certificate that the Renewal, Satisfaction, Vacation, or Cancellation of a registration has been registered	1d. „ „ 25 „ 1/-
L.C. 11.	Application for Official Search	1d. „ „ 25 „ 1/-
L.C. 12.	Application for Personal Search	Gratis at the Registry.
L.C. 13.	Supplementary Particulars	2d. each or 25 for 3/-
L.C. 14.	Application for an Office Copy of an entry in a register	1d. „ „ 25 „ 1/-
L.C. 15.	Form of Alphabetical Index	Departmental not on Sale.

The above Forms can ONLY be obtained from H.M. Stationery Office, excepting Form L.C. 12, which is supplied gratis at H.M. Land Registry at the time of searching.

Applications for Forms should NOT be addressed to H.M. Land Registry; if so addressed they will be transmitted to H.M. Stationery Office, thus involving delay.

Applications for Forms applicable to Land situate within the three Ridings (for registrations to be effected therein) should be made to the Registrar of the appropriate Deeds Registry.

Applications for Forms applicable to a Local Land Charge should be made to the Clerk to the Local Authority in which the land affected is situate.

Form L.C. 1.

For Pending Actions, affecting land.

LAND REGISTRY STAMP. Fee **2/6** each name.

A separate form must be used for the name of each person to be entered on the Register.

(1) State nature of summons or plaint.

(2) As defined by the Law of Property Act, 1925.

(3) Insert (IN BLOCK LETTERS) name, address and description.

(4) State the Court and give the official reference.

(5) State fully the title of the Action, Information or Proceeding.

6) State the day when the Action, Information or Proceeding was commenced or filed.

(7) Name, address, and description of Applicant.

This application may be made by the Applicant or his Solicitor.

If not made by a Solicitor, it must be supported by a Statutory Declaration in Form L.C. 9.

If made by a Solicitor the name, address and description of the Applicant must be given, and the name and address of the Solicitor.

Price 2d. net.

This margin must be left clear for binding.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

APPLICATION FOR REGISTRATION OF A PENDING ACTION

This space is for Official use only.

namely(1)

AFFECTING LAND situate in the County of
in the Parish or District of

The ESTATE OWNER(2) or other person whose estate or interest is intended to be affected is (3)

The Action, Information or Proceeding was commenced or filed in (4)

Under the Title of (5)

On the (6)

(7)

Date

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2.

This form may be filled in by writing, printing lithography or typewriting, but only in black ink not liable to smear.

FORMS specially prepared for Supplementary Particulars (L.C. 13) are issued and must be used.

This margin must be left clear for binding.

Form L.C. 2.

For Writ or Order.

LAND REGISTRY STAMP. Fee **2/6** each name.

A separate form must be used for the name of each person to be entered on the Register.

(1) State the date and nature of the writ or order.

(1A) A brief description of the land affected sufficient to identify should be added. If necessary it may be continued on the back of this form. Where the description refers to a plan, a copy of the plan must be made on the back of this form. If the space is insufficient a tracing of the plan on linen (of a size *not less* than the size of this form) signed by the Applicant or his Solicitor must be lodged with the application. The tracing must have a clear margin for binding of at least two inches on the left hand side.

(2) State the Court.

(3) State the title of the Action or Matter.

(4) State the official reference number.

(5) As defined by the Law of Property Act, 1925.

(6) Insert (IN BLOCK LETTERS) name, address and description.

(7) Name, address and description of Applicant.

This application may be made by the Applicant or his Solicitor. If not made by a Solicitor, it must be supported by a Statutory Declaration in form L.C. 9. If made by a Solicitor, the name, address and description of the Applicant must be given and the name and address of the Solicitor.

Price 2d. net.

This margin must be left clear for binding.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

APPLICATION FOR REGISTRATION

This space is for Official use only.

Of a (1)

AFFECTING LAND situate in the County of

in the Parish or District of

(1A)

Issued or made by (2)

in the Action or Matter entitled (3)

the reference number of which is (4)

The ESTATE OWNER (5) or other person whose land is affected is (6)

(7)

Date

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

FORMS specially prepared for Supplementary Particulars (L.C. 13) are issued and must be used.

This margin must be left clear for binding.

Form L.C. 3.

For Deed of Arrangement.

LAND REGISTRY STAMP. Fee **2/6** each name.

A separate form must be used for the name of each person to be entered on the Register.

(1) Date and Parties (If necessary continue on the back of this form.)

When the Creditors are numerous enter the names of the first three, adding "and others."

The original deed or instrument must not accompany this application.

(2) Insert (IN BLOCK LETTERS) name, and all addresses and descriptions, if more than one. (If necessary continue on the back of this form.)

(3) Name, address and description (IN BLOCK LETTERS).

(4) A Trustee of the deed, or a Creditor assenting to or taking the benefit of the deed.

(5) Name, address and description of Applicant.

This application may be made by the Applicant or his Solicitor.

If not made by a Solicitor, it must be supported by a Statutory Declaration in Form L.C. 9.

If made by a Solicitor the name, address and description of the applicant must be given and the name and address of the Solicitor.

This margin must be left clear for binding.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

APPLICATION FOR REGISTRATION OF A DEED OF ARRANGEMENT dated (1)

This space for Official use only.

AFFECTING LAND situate in the County of

in the Parish or District of

The DEBTOR is (2)

This Application is made by (3)

who is (4)

(5)

Date

This margin must be left clear for binding.

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

FORMS specially prepared for Supplementary Particulars (L.C. 13) are issued and must be used.

Price 2d. net

Form L.C. 4.
For a Land Charge.

LAND REGISTRY STAMP.
Fee **2/6**
each name.

A separate form must be used for the name of each person to be entered on the Register.

(1) Insert A, B, C, D or E, *see* LAND CHARGES ACT, 1925.
(1a) If Class A or B, insert "A Charge" and give Act and Section under which it is created.
If Class C, insert "Puisne Mortgage" or "Limited Owner's Charge" or "General Equitable Charge," or "Estate Contract."
If Class D, insert "Restrictive Covenant" or "Equitable Easement."
If Class E, insert "An Annuity" (or Rent Charge) created before the commencement of the Land Charges Act, 1925.

If the Land Charge is created by deed, give date and parties.
If the Land Charge is not created by an instrument, short particulars of the effect of the charge are to be given. (If necessary continue on the back of this form.)
A Restrictive Covenant or Equitable Easement may be set out in full on the back hereof. If the space is insufficient the prescribed Form of FOLLOWER (L.C. 13) must be used.
The original deed or instrument must not accompany this form.
(2) A description sufficient to identify the land affected must be added. If necessary it may be continued on the back of this form.
In the case of Tithe or Land Tax Redemption the official reference number should also be given.
Where the application refers to a plan, a copy of the plan must be made on the back of this form. If the space is insufficient, a tracing of the plan on linen (of a size *not less* than the size of this form) signed by the applicant or his Solicitor must be lodged with the application. The tracing must have a clear margin for binding of at least two inches on the left hand side.
(3) Insert (IN BLOCK LETTERS) the name, address and description of the person who is the ESTATE OWNER as defined by the Law of Property Act, 1925.
(4) Insert (IN BLOCK LETTERS) the name, address and description of the Grantee or Covenantee or person taking the benefit.
(5) Name, address and description of Applicant.
This application may be made by the Applicant or his Solicitor.
If not made by a Solicitor it must be supported by a Statutory Declaration in Form L.C. 9.
If made by a Solicitor the name, address and description of the Applicant must be given and the name and address of the Solicitor.

Price 2d. net.

This margin must be left clear for binding.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

APPLICATION FOR REGISTRATION OF A LAND CHARGE.

This space is for Official use only.

Class (1)

being (1a)

AFFECTING LAND situate in the County of

in the Parish or Place or District of

(2)

The ESTATE OWNER is (3)

The said LAND CHARGE is in favour of (4)

(5)

Date

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.
FORMS specially prepared for Supplementary Particulars (L.C. 13) are issued and must be used.

This margin must be left clear for binding.

Form L.C. 5.

For Renewal of the Registration of a Pending Action or Writ and Order or Deed of Arrangement.

LAND REGISTRY STAMP
Fee **1/-**
each name.

A separate form must be used for the name of each person to be entered on the Register.

(1) Insert Pending Action, or Writ or Order or Deed of Arrangement.

(2) Insert (IN BLOCK LETTERS) full name.

(3) The official date of registration, and reference No.

(4) If a Pending Action, or Writ or Order, give the title of the Action, the Court and the official reference.

If a Deed of Arrangement give the date and parties.

(5) Name, address, and description of Applicant.

This application may be made by the Applicant or his Solicitor.

If not made by a Solicitor, it must be supported by a Statutory Declaration in Form L.C. 9.

If made by a Solicitor the name, address and description of the Applicant must be given and the name and address of the Solicitor.

Price 1d. net.

This margin must be left clear for binding.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

APPLICATION
FOR THE RENEWAL OF
THE REGISTRATION.

This space is for Official use only.

of a(1)

which was registered at the Land Registry in the name of (2)

on the(3) day of 192
The reference number of which is (3)

(4)

(5)

Date

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

This margin must be left clear for binding.

Form L.C. 6.

For Order of Discharge or Vacation or Satisfaction.

LAND REGISTRY STAMP. Fee **2/6** each name.

A separate form must be used for the name of each person to be entered on the Register.

(1) State whether Order of Discharge or Vacation or Acknowledgment of Satisfaction.

The document must be attached to this form, If there are several names in the Order of Satisfaction the document should be attached to the form for the first name.

(2) State nature of the Registration affected and whether as to whole or part only. If as to part a full description of the part of the land affected must be set out.
(If necessary continue on the back of this form).

(3) The official date of registration and reference Number.

(4) Insert (IN BLOCK LETTERS) name, address and description.

(5) State fully the title of the Action.

(6) Name, address, and description of Applicant.

This application may be made by the Applicant or his Solicitor. If not made by a Solicitor, it must be supported by a Statutory Declaration in Form L.C. 9.

If made by a Solicitor, the name, address and description of the Applicant must be given and the name and address of the Solicitor.

Price 1d. net.

This margin must be left clear for binding.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

APPLICATION
FOR REGISTRATION OF THE

annexed(1)

of the(2)

registered at the Land Registry

on the(3)

The reference number of which is(3)

The ESTATE OWNER or other person whose estate or interest was affected is(4)

The Title of the Action was(5)

(6)

Date

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

This space is for Official use only.

This margin must be left clear for binding.

Form L.C. 7.

Acknowledgment of Satisfaction.

The fee stamp is to be placed on the application form.

(1) Insert (IN BLOCK LETTERS) full name, address, and description.

(2) Insert name and address of the Solicitor nominated and appointed.

(3) If a Land Charge, give description; if a Writ or Order or Pending Action, give title, Court and official reference number. If the satisfaction is only as to part of the land affected, a full description of such part must be set out.

(If necessary continue on the back of this form).

(4) The official date of registration and reference No.

(5) Signature, address, and description of Applicant.

In the case of a Company, Society or Corporation the seal must be affixed, with the signature of the officer (or officers) whose duty it is, in accordance with the Articles of Association, to witness the sealing; this Form being altered as necessary.

(6) Signature of Solicitor.

Price 1d. net.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

ACKNOWLEDGMENT OF SATISFACTION.

This space is for Official use only.

This margin must be left clear for binding.

I (1)

of

HEREBY expressly nominate and appoint (2)

to witness and attend the execution by me of this Acknowledgment of Satisfaction of (3)

which was registered in the Land Registry on the (4)

day of , 192 . The registration

reference No. being (4)

(5)

Signed by the said

in the presence of me the undersigned

of one of the Solicitors of the Supreme Court of Judicature and I hereby declare myself to be the Solicitor for and on behalf of the said expressly named by h and attending at h request to inform h of the nature and effect of this Acknowledgment of Satisfaction (which I accordingly did before the same was signed by h). And I also declare that I subscribe my name as a witness hereto as such Solicitor and on behalf of the said

Date

(6)

This margin must be left clear for binding.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

Form L.C. 8.

For Cancellation of Registration of a Land Charge.

LAND REGISTRY STAMP. Fee **2/6** each name.

A separate form must be used for the name of each person to be entered on the Register.

(1) The official date of registration and reference No.

(2) The Estate Owner or other person entitled to the Land Charge (IN BLOCK LETTERS).

(3) Here state reason for cancellation, *e.g.*, by cesser, or with consent of the person entitled to the charge, or by reason of the charge being OVERREACHED under the provisions of a statute or otherwise.

If by cesser or consent an Acknowledgment of Satisfaction (Form L.C. 10) must be attached.

If because of the charge being OVERREACHED sufficient evidence must be furnished.

If the cancellation is to apply to part only of the land affected, a full description of such part must be set out.

(If necessary continue on the back of this form).

(4) Name, address, and description of Applicant.

This application may be made by the applicant or his Solicitor.

If not made by a Solicitor, it must be supported by a Statutory Declaration in Form L.C.9.

If made by a Solicitor the name, address and description of the Applicant must be given and the name and address of the Solicitor.

Price 1d. net.

This margin must be left clear for binding.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

APPLICATION for the CANCELLATION of the Registration of the LAND CHARGE registered on the (1) day of 192 . (Reference No.) in the name of (2)

This space for Official use only.

AFFECTING LAND situate in the County of in the parish or district of

The Cancellation is (3)

(4)

Date

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

FORMS specially prepared for Supplementary Particulars (L.C. 13) are issued and must be used.

This margin must be left clear for binding.

Form L.C. 9.

Statutory Declaration.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

DECLARATION

IN SUPPORT OF AN APPLICATION TO REGISTER.

(1) Full name.

I(1)

(2) Address or Addresses..

of(2)

(3) Description.

(3)

solemnly and sincerely declare that the

(4) Here state the kind of application.

(4)

whereof the particulars are set forth in the application for registration thereof, marked "A," and now produced and shewn to me was actually(5)

(5) Made or executed or issued, as the case may be.

at the time and in the manner in the said application mentioned, and that the particulars set forth therein are to the best of my knowledge, information, and belief, true.

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared by the said
this day of 192 .
before me

This margin must be left clear for binding.

This margin must be left clear for binding.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

Price 2d. net.

Form L.C. 10.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

Application for a Certificate that the Renewal Satistaction, Vacation or Cancellation of a Registration has been Registered.

LAND REGISTRY STAMP Fee 1/-

APPLICATION FOR A CERTIFICATE THAT THE REGISTRATION OF

(1)

(1) Insert the kind of Registration.

which was registered at the Land Registry

(2) Insert in BLOCK LETTERS the full name of Estate Owner or other person whose estate or interest was affected.

in the name of(2)

(3) Official date of registration and reference No.

on the(3) day of 192 the reference number of which is(3)
has been renewed, satisfied, vacated or cancelled as the case may be.

(4) Name, address, and description of applicant.

(4)

This application may be made by the Applicant or his Solicitor. If made by a Solicitor the name, address, and description of the Applicant must be given, and the name and address of the Solicitor.

Date

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry Lincoln's Inn Fields, London, W.C.2.

IT IS HEREBY CERTIFIED, that the above registration

has been { Renewed / Satisfied / Vacated / Cancelled } on the Register.

Seal.

Date

Price 1d. net.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

G

Form L.C. 11. *Official Number*.....

H.M. LAND REGISTRY.

Land Charges Act, 1925.

APPLICATION for an OFFICIAL SEARCH.

A search of the **Alphabetical Index** to the **Registers** is required for subsisting entries against the undermentioned names affecting land in the county of—— and parish, or place, or district of..... up to and including the[a].....day of.....1926.

(*a*) Here insert date the Certificate is to be issued,

Surname (in block letters).	**Christian names** (in block letters).	All addresses, title, trade or profession.

A separate form must be used if additional space is required.

I (or We) certify that this search is required in respect of **one** transaction only.

I (or We) { request that the result of the search be / or / request that the result of the search be **expedited** and the result } { **Posted** / **Delivered to Messenger** / **Telegraphed** / **Telephoned** }

Signature of Applicant
(or of his Solicitor)

Address.....

Enclosure:—
Cheque / Money Order / Postal Order } £
(Made payable to the Commissioners of Inland Revenue).

Telephone No.....Date.....

Telegraphic Address

For Fees, Directions and Notes see over.

OFFICIAL CERTIFICATE.

The Search against the above reveals {

Dated this.....day of.....1926.

THE SEAL OF H.M. LAND REGISTRY

P.T.O.

(SECOND PAGE OF FORM 11.)

OFFICIAL SEARCHES.

DIRECTIONS and NOTES.

An application for an Official Search may **only** be made on Form L.C.11; it should be completed, and may be sent by post, accompanied by the prescribed fee, care being taken to address the envelope to the "**LAND CHARGES SUPERINTENDENT,**" H.M. Land Registry, Lincoln's Inn Fields, London, W.C. 2, or it may be delivered personally at the Land Charges Department of the Land Registry.

Normal time occupied in making an Official Search.

1. In the absence of exceptional numbers or circumstances the Certificate of an Official Search will normally be issued by post, or otherwise, at or soon after 4 o'clock on the day of receipt of the application therefor, provided such application reaches the Land Charges Department before 10.30 a.m., but to **ensure** the issue on any particular day, the application should be made SEVERAL DAYS in advance, especially towards Quarter Days, or if an issue is desired on a Saturday (when the Office closes at 1 o'clock). If desired, application for the result of the search to be telephoned or telegraphed can be made, as provided, on the front page of this form, subject to the condition that:—

(*a*) if by telephone, the reply to the application for the search will merely state whether there are or are not any subsisting entries covered by the application, and that it is confirmed in writing by the Department.

(*b*) if by telegraph, the words "No subsisting entries" or "Subsisting entries," as the case may be, will alone be telegraphed.

Particulars regarding any entries found will be forwarded by post in the usual form, see paragraph 3 below.

Expedition of Official Searches.

2. If the application cannot be made several days before the issue of a Certificate is required, it can be **expedited** by request as provided on the front page of this form (accompanied by the prescribed fee). An Expedited Search is taken out of the ordinary course and the Certificate despatched THE SAME DAY as the application is received (notwithstanding any congestion of work in the department). An Expedited Search may be up to any desired HOUR of the day.

Description of the Official Certificate.

3. The Certificate of the result of an Official Search shows:—

(1) The name, address and description searched against.

(2) The period covered by the search.

(3) The nature of the registrations (if any) recorded against the name as affecting the land in the county and parish, or place, or district of specified on the application for the search, and also all registrations recorded against the name where **no** county, parish, or place, or district is set out in the Index.

(4) The date of such registrations.

The Certificate of Search covers all registrations effected up to the close of the Registry on the day of the date of the Certificate, or in case of an Expedited Search, up to the day and HOUR stated on the Certificate.

Office Copy of any ENTRY may be obtained.

4. If the Certificate shows that there is any entry in the Index and further information respecting it is desired, an office copy of such entry, as appearing in the Register, can be obtained on payment of the prescribed fee.

FEE FOR OFFICIAL SEARCH.

(In respect of **one** transaction only).

Official Search in the **Alphabetical Index** (*a*) against one name at one address 5s. 0d. (*b*) against the same name but with additional addresses, per address, 2s. 6d.

Special Fees (in addition to the above).

Expediting the Search, per name, 5s. 0d.

Telegraphing or Telephoning the result of a Search, per name, 2s. 6d. (which includes the cost of the Telegraph or Telephone, if such cost does not exceed 1s. 0d.)

Office copy of an entry in any of the Registers (not including a copy or extract of any plan or document filed in the Registry), 2s. 6d.

N.B.—A change of name involves an additional fee.

The **SCHEDULE** referred to in the Certificate

NAME.	Nature of Registration.	Date of Registration.	Situation of the land affected.	
			County.	Parish, or Place, or District.

Price 1*d. net.*

Form L.C. 12.

Application for Personal Search.

This form is to be delivered to the Official in the Search Room.

FEE :

Two Shillings per NAME,

N.B.–A change of name involves a separate fee.

H.M. LAND REGISTRY.

LAND CHARGES ACT, 1925.

I (or We).....

of.....

apply to make a Search against the undermentioned names.

Dated this.....*day of*.....192.....

SURNAME.	CHRISTIAN NAME.

Form L.C. 13.

Supplementary Particulars.

(1) Here state "Land Charge" "Writ or Order," etc., as the case may be.

(2) Here repeat the name of the Estate Owner or other person whose land is affected.

H.M. LAND REGISTRY.

Land Charges Act, 1925.

Continuation of an application for registration of(1) .....in the name of (2) .....

This margin must be left clear for binding.

This margin must be left clear for binding.

Price 2d. net.

Form L.C. 14.

Application for an Office Copy. of an entry in a register.

LAND REGISTRY STAMP. Fee **2/6**

H.M. LAND REGISTRY.

Land Charges Act, 1925.

Application for an
OFFICE COPY
of an entry in the Registers.

(1) Strike out Registers not required.

Application is hereby made for an Office Copy of the entry in the register of(1)

Pending Actions.
Writs and Orders
Deeds of Arrangement.
Land Charges, (Class)

(2) Name, (IN BLOCK LETTERS) address and description of the person against whom the entry is registered.

registered against(2)

The official date of registration is _____

and the official reference number is _____

(3) Signature and address of Applicant or his Solicitor.

(3)

This application should be addressed to the LAND CHARGES SUPERINTENDENT, H.M. Land Registry, Lincoln's Inn Fields, W.C.2, for an Office Copy of each entry in each Register, and must be accompanied by the prescribed fee of 2/6. If an Office Copy of any plan or other document filed in the Registry is required, a further fee, according to the time and labour employed, becomes payable.

This form may be filled in by writing, printing, lithographing or typewriting, but only in black ink not liable to smear.

Price 1d. net.

Form L.C. 15.

FORM OF ALPHABETICAL INDEX.

Address.	Title, Trade or Profession.	Name.	Reference.		Situation of Land.	
			Register.	Date of Registration.	County.	Parish or Place.

APPENDIX.

Note A. RELEASE OF PART OF LAND AFFECTED FROM A JUDGMENT.

LAW OF PROPERTY ACT, 1925, SECTION 71.

(1) A release from a judgment (including any writ or order imposing a charge) of part of any land charged therewith does not affect the validity of the judgment as respects any land not specifically released.

(2) This section operates without prejudice to the rights of any persons interested in the property remaining unreleased and not concurring in or confirming the release.

(3) This section applies to releases made after the twelfth day of August, eighteen hundred and fifty-nine.

Note B. PARTIAL RELEASE OF SECURITY FROM RENTCHARGE.

LAW OF PROPERTY ACT, 1925, SECTION 70.

(1) A release from a rentcharge of part of the land charged therewith does not extinguish the whole rentcharge, but operates only to bar the right to recover any part of the rentcharge out of the land released, without prejudice to the rights of any persons interested in the land remaining unreleased, and not concurring in or confirming the release.

(2) This section applies to releases made after the twelfth day of August eighteen hundred and fifty-nine.

Note C. AS TO CONTRACTS FOR THE SETTLEMENT OF SETTLED LAND.

SETTLED LAND ACT, 1925, SECTION 11.

(1) A contract made or other liability created or arising AFTER the commencement of this Act for the settlement of land—

(i) by or on the part of an estate owner; or

(ii) by a person entitled to—

(*a*) an equitable interest which is capable when in possession of subsisting at law; or

(*b*) an entailed interest; or

(*c*) a base or determinable fee or any corresponding interest in leasehold land;

shall, but in cases under paragraph (ii) only if and when the interest of the person entitled takes effect free from all equitable interests and powers under every prior settlement, if any, be deemed an ESTATE CONTRACT within the meaning of the Land Charges Act, 1925, and may be registered as a land charge accordingly and effect shall be given thereto by a vesting deed and a trust instrument in accordance with this Act.

(2) A contract made or other liability created or arising before the commencement of this Act to make a settlement of land shall be deemed to be sufficiently complied with if effect is given thereto by a vesting deed and a trust instrument in accordance with this Act.

PRIORITIES AS BETWEEN PUISNE MORTGAGES. NOTE D.

LAW OF PROPERTY ACT, 1925, SECTION 97.

Every mortgage affecting a legal estate in land made AFTER the commencement of the Law of Property Act, 1925, whether legal or equitable (not being a mortgage protected by the deposit of documents relating to the legal estate affected) shall rank according to its date of registration as a land charge pursuant to the Land Charges Act, 1925. This section does NOT apply to mortgages or charges of registered land or of land within the jurisdiction of a local deeds registry.

BENEFITS AND BURDENS OF COVENANTS RELATING TO LAND. NOTE E.

LAW OF PROPERTY ACT, 1925, SECTION 78.

(1) A covenant relating to any land of a covenantee shall be deemed to be made with the covenantee and his successors in title and the persons deriving title under him or them, and shall have the same effect as if such successors and other persons were expressed.

For the purpose of this sub-section in connection with covenants restrictive of the user of land "successors in title" shall be deemed to include the owners and occupiers for the time being of the land of the covenantee intended to be benefited. This section applies to covenants made after the commencement of the Law of Property Act, 1925, but the repeal of section fifty-eight of the Conveyancing Act, 1881, does not affect the operations of Covenants to which that section applied.

LAW OF PROPERTY ACT, 1925, SECTION 79.

(1) A covenant relating to any land of a covenantor or capable of being bound by him shall unless a contrary intention is expressed be deemed to be made by the covenantor on behalf of himself, his successors in title and the persons deriving title under him or them and subject as aforesaid shall have effect as if such successors and other persons were expressed: this sub-section extends to a covenant to do some act relating to the land notwithstanding that the subject matter may not be in existence when the covenant is made.

(2) For the purpose of this section in connection with covenants restrictive of the user of land "successors in title" shall be deemed to include the owners and occupiers for the time being of such land.

(3) This section applies only to covenants made AFTER the commencement of the Law of Property Act, 1925.

THE CREATION AND DISPOSITION OF EQUITABLE INTERESTS. NOTE F.

LAW OF PROPERTY ACT, 1925, SECTION 4.

(1) Interests in land validly created or arising AFTER the commencement of the Law of Property Act, 1925, which are not capable of subsisting as legal estates shall take effect as equitable interests, and, save as otherwise expressly provided by statute interests in land which under the Statute of Users or otherwise could before the commencement of the Law of Property Act, 1925, have been created as legal interests shall be capable of being created as equitable interests. Provided that after the commencement of the Law of Property Act, 1925, and save as therein expressly enacted) an equitable interest in land shall only be capable of being validly created in any case in which an equivalent equitable interest in property real or personal could have been validly created before the commencement of the Law of Property Act, 1925.

(2) All rights and interests in land may be disposed of, including—

(*a*) A contingent, executory or future equitable interest in any land, or a possibility coupled with an interest in any land, whether or not the object of the gift or limitation of such interest or possibility be ascertained ;

(*b*) A right of entry, into or upon land whether immediate or future, and whether vested or contingent.

(3) All rights of entry affecting a legal estate which are exercisable on condition broken or for any other reason may, after the commencement of this Act, be made exercisable by any person and the persons deriving title under him but, in regard to an estate in fee simple (not being a rentcharge held for a legal estate) only within the period authorized by the rule relating to perpetuities.

NOTE G: POWER TO DISCHARGE OR MODIFY RESTRICTIVE COVENANTS.

By the provisions of the Law of Property Act, 1925 (Section 84) any restriction arising under covenant or otherwise as to the user of freehold land or a building thereon may be wholly or partially discharged or modified by order of the authority defined in that section.

NOTE H: ENDORSEMENT ON TITLE DEED OF NOTICE OF A RESTRICTIVE COVENANT ESTATE CONTRACT OR EQUITABLE EASEMENT DOES NOT AFFECT OBLIGATION TO REGISTER AS A LAND CHARGE.

LAW OF PROPERTY ACT, 1925, SECTION 200.

(1) Where land having a common title with other land is disposed of to a purchaser (other than a lessee or a mortgagee) who does not hold or obtain possession of the documents forming the common title, such purchaser, notwithstanding any stipulation to the contrary, may require that a memorandum giving notice of any provision contained in the disposition to him restrictive of user of, or giving rights over, any other land comprised in the common title, shall, where practicable, be written or indorsed on, or, where impracticable, be permanently annexed to some one document selected by the purchaser but retained in the possession or power of the person who makes the disposition, and being or forming part of the common title.

(2) The title of any person omitting to require an indorsement to be made or a memorandum to be annexed shall not, by reason only of this enactment, be prejudiced or affected by the omission.

(3) This section does not apply to dispositions of registered land.

(4) Nothing in this section affects the obligation to register a land charge in respect of :—

(*a*) any restrictive covenant or agreement affecting freehold land ; or

(*b*) any estate contract ; or

(*c*) any equitable easement, liberty or privilege.

AS TO THE NECESSITY OF SEARCHING THE REGISTERS KEPT UNDER THE LAND CHARGES ACT, 1925. Note J.

REGISTRATION UNDER THAT ACT TO BE NOTICE. LAW OF PROPERTY ACT, 1925, SECTION 198.

(1) The registration of any instrument or matter under the provisions of the Land Charges Act, 1925, or any enactment which it replaces, in any register kept at the land registry or elsewhere, shall be deemed to constitute actual notice of such instrument or matter, and of the fact of such registration, to all persons and for all purposes connected with the land affected, as from the date of registration or other prescribed date and so long as the registration continues in force.

(2) This section operates without prejudice to the provisions of this Act respecting the making of further advances by a mortgagee, and applies only to instruments and matters required or authorised to be registered under the Land Charges Act, 1925.

AN ANNUITY, LIMITED OWNER'S CHARGE OR GENERAL EQUITABLE CHARGE AFFECTING SETTLED LAND MAY BE OVERREACHED. Note K.

SETTLED LAND ACT, 1925, SECTION 72, SUB-SECTION 3.

Notwithstanding registration under the Land Charges Act, 1925, of:—

(*a*) An annuity within the meaning of Part II of that Act;

(*b*) A limited owner's charge or a general equitable charge within the meaning of that Act;

a disposition under the Settled Land Act, 1925, operates to overreach such annuity or charge which shall, according to its priority, take effect as if limited by the settlement.

A JUDGMENT DOES NOT OPERATE AS A CHARGE ON LAND UNLESS A WRIT OR ORDER FOR THE PURPOSE OF ENFORCING IT IS REGISTERED AT THE LAND REGISTRY. Note L.

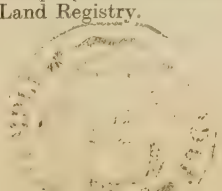
LAW OF PROPERTY ACT, 1925, SECTION 195, SUB-SECTION 3.

A judgment whether obtained (on behalf of the Crown or otherwise) before or after the commencement of the Law of Property Act, 1925, shall NOT operate as a charge on any interest in land or on the unpaid purchase money for any land unless or until a writ or order for the purpose of enforcing it is registered in the register of writs and orders at the Land Registry.

A RECOGNIZANCE DOES NOT OPERATE AS A CHARGE ON LAND UNLESS A WRIT OR ORDER FOR THE PURPOSE OF ENFORCING IT IS REGISTERED AT THE LAND REGISTRY.

LAW OF PROPERTY ACT, 1925, SECTION 195, SUB-SECTION 4.

A recognizance on behalf of the Crown or otherwise, whether entered into before or after the commencement of the Law of Property Act, 1925, and an inquisition finding a debt due to the Crown, and any obligation or speciality made to or in favour of the Crown, whatever may have been its date, shall not operate as a charge on any interest in land, or on the unpaid purchase money for any land unless or until a writ or order, for the purpose of enforcing it, is registered in the registry of writs and orders at the Land Registry.



NOTE M. POWER OF ATTORNEY RELATING TO LAND TO BE FILED.

LAW OF PROPERTY ACT, 1925, SECTION 125. SUB-SECTION 1.

Where an instrument creating a power of attorney confers a power to dispose of or deal with any interest in or charge upon land, the instrument or a certified copy thereof or of such portions thereof as refer to or are necessary to the interpretation of such power shall be filed at the Central Office pursuant to the statutory enactment in that behalf, unless the instrument only relates to one transaction and is to be handed over on the completion of the transaction. Provided that if the instrument relates to land or a charge registered under the Land Registration Act, 1925 the instrument or a certified copy thereof or of such portions thereof as aforesaid shall be filed at the Land Registry, and it shall not be necessary to file it at the Central Office unless it also relates to land or a charge not so registered in which case the instrument or a certified copy thereof or of such portions thereof as aforesaid shall be filed at the Central Office and an office copy shall be filed at the Land Registry.

DEFINITIONS.

In addition to the definitions of expressions contained in the Land Charges Act (see page 65) there are others referred to in that Act or given in this book, in quotation from other Acts.

THE FOLLOWING ARE DEFINED IN THE LAW OF PROPERTY ACT, 1925 :

DEATH DUTY means estate duty, succession duty, legacy duty and every other duty leviable or payable on death.

EQUITABLE INTERESTS mean all the other interests and charges in or over land or in the proceeds of sale thereof ; an equitable interest " capable of subsisting as a legal estate " means such as could validly subsist or be created as a legal estate under the Law of Property Act, 1925.

N.B.—The only estates in land which are capable of subsisting or of being conveyed or created by law are :—

(*a*) an estate in fee simple absolute in possession ;

(*b*) a term of years absolute.

The only interests or charges in or over land which are capable of subsisting or of being conveyed or created at law are :—

(*a*) an easement, right or privilege in or over land for an interest equivalent to an estate in fee simple absolute in possession or a term of years absolute ;

(*b*) a rentcharge in possession issuing out of or charged on land being either perpetual or for a term of years absolute ;

(*c*) a charge by way of legal mortgage ;

(*d*) land tax, tithe rentcharge, and any other similar charge on land which is not created by an instrument ;

(*e*) rights of entry exercisable over or in respect of a legal term of years absolute or annexed for any purpose to a rentcharge.

All other estates, interests and charges in or over land take effect as equitable interests.

EQUITABLE POWERS mean all the powers in or over land under which equitable interests or powers only can be transferred or created.

ESTATE OWNER means the owner of a legal estate, but an infant is not capable of being an estate owner.

INSTRUMENT does not include a statute, unless the statute creates a settlement.

LEGAL ESTATES mean the estates, interests and charges in or over land (subsisting or created by law) which are by the Law of Property Act, 1925, authorized to subsist or to be created as legal estates.

LEGAL MORTGAGE means a mortgage by demise, a sub-demise or a CHARGE BY WAY OF LEGAL MORTGAGE.

LEGAL POWERS include the powers vested in a chargee by way of legal mortgage or in an estate owner under which a legal estate can be transferred or created.

MORTGAGE includes any charge or lien on any property for securing money or money's worth.

MORTGAGEE includes a chargee by way of legal mortgage and any person from time to time deriving title under the original mortgagee.

MORTGAGOR includes any person from time to time deriving title under the original mortgagor or entitled to redeem a mortgage according to his estate interest or right in the mortgaged property.

MORTGAGEE IN POSSESSION is for the purposes of the Law of Property Act, 1925 a mortgagee who, in right of the mortgage, has entered into and is in possession of the mortgaged property.

NOTICE includes a constructive notice.

PERSONAL REPRESENTATIVE means the executor, original or by representation, or administrator for the time being of a deceased person, and as regards any liability for the payment of death duties includes any person who takes possession of or intermeddles with the property of a deceased person without the authority of the personal representatives or the court.

POSSESSION includes receipt of rents and profits, or the right to receive the same, if any.

POWER TO POSTPONE A SALE means power to postpone in the exercise of a discretion.

PROPERTY includes any thing in action and any interest in real or personal property.

RIGHT OF REDEMPTION includes an option to repurchase only if the option in effect creates a right of redemption.

TRUST FOR SALE in relation to land, means an immediate binding trust for sale, whether or not exercisable at the request or with the consent of any person, and with or without a power at discretion to postpone the sale.

TRUSTEES FOR SALE means the persons (including a personal representative) holding land on trust for sale.

WILL includes codicil.

THE FOLLOWING ARE DEFINED IN THE SETTLED LAND ACT, 1925:

SETTLEMENT. This expression, as defined in the Settled Land Act, is involved and requires careful study of the context.

SETTLED LAND. This expression, as defined in the Settled Land Act, is involved and requires careful study of the context.

STATUTORY OWNER means the trustees of the settlement or other persons who, during the minority or at any other time when there is no tenant for life, have the powers of a tenant for life, under the Settled Land Act, 1925, but does not include the trustees of the settlement, where by virtue of an order of court or otherwise the trustees have power to convey the settled land in the name of the tenant for life.

TENANT IN TAIL includes a person entitled to an entailed interest in any property.

TENANT FOR LIFE includes a person (not being a statutory owner) who has the powers of a tenant for life under the Settled Land Act, 1925 and also (where the context requires) one or two or more persons who together constitute the tenant for life or have the powers of a tenant for life.

TRUST CORPORATION means the public trustee or a corporation either appointed by the court in any particular case to be a trustee or entitled by rules made under subsection (3) of Section 4 of the Public Trustee Act, 1906, to act as custodian trustee.

TRUST INSTRUMENT means the instrument whereby the trusts of the settled land are declared and includes any two or more such instruments and a settlement or instrument which is deemed to be a trust settlement.

TRUSTEES OF A SETTLEMENT. This expression, as defined in the Settled Land Act, is involved and requires careful study of the context.

VESTING ASSENT means the instrument whereby a personal representative after the death of a tenant for life or statutory owner or the survivor of two or more tenants for life or statutory owners vests settled land in a person entitled as tenant for life or statutory owner.

VESTING DEED OR VESTING ORDER means the instrument whereby settled land is conveyed to or vested or declared to be vested in a tenant for life or statutory owner.

VESTING INSTRUMENTS means a vesting deed, a vesting assent or, where the land affected remains settled land, a vesting order.

BANKRUPTCY.

GENERAL RULES.

THE BANKRUPTCY RULES, 1925.

1. After Rule 149 of the Bankruptcy Rules, 1915, the following Rules shall be inserted and shall stand as Rules 149A and 149B respectively :—

"149A. The Senior Registrar in the High Court and the Registrar of every County Court having jurisdiction in bankruptcy shall on the filing of a bankruptcy petition by or against a debtor forthwith send notice thereof to the Chief Land Registrar and a request that such petition may be registered in the register of pending actions. Form 13A.

149B. Where a petition is filed by or against a firm in the firm name the debtors or the petitioning creditor shall with such petition file a statement of the names and addresses of the partners as they appear in the register under the Registration of Business Names Act 1916 at the date of the presentation of the petition. If such names do not appear in such register the debtors shall state the true names and addresses of all the partners in the firm and the petitioning creditor shall state the names and addresses of such partners to the best of his information knowledge and belief. The Registrar shall in such case send a notice of the petition and a request for registration to the Chief Land Registrar. These provisions shall so far as the nature of the case will admit apply in the case of any person carrying on business in a name or style other than his own." Form 13B.

2. After Rule 181 of the Bankruptcy Rules, 1915, the following Rule shall be inserted and shall stand as Rule 181A :—

"181A. On the making of a receiving order the Official Receiver named therein shall as soon as he is notified of the making of such receiving order or in the case of a stay of advertisement forthwith after such stay has ceased to operate give notice of the same to the Chief Land Registrar with a request that such receiving order may be registered in the register of Writs and Orders affecting land." Form 33A.

3. The forms numbered 13A, 13B and 33A in the Appendix to these Rules shall stand as forms numbered 13A, 13B and 33A, respectively, in Part 1 of the Appendix to the Bankruptcy Rules, 1915.

4. These Rules may be cited as the Bankruptcy Rules, 1925, and shall come into force on the 1st day of January, 1926, and the Bankruptcy Rules, 1915, as amended, shall have effect as further amended by these Rules.

APPENDIX.

No. 13A.

Application for registration of Petition against an individual under Land Charges Act, 1925.

(TITLE.)

(1)

For use at Land Registry.

(1) Insert Particulars of Debtor and petitioner as in petition, all names to be in block capitals.

A petition in Bankruptcy was this day presented against (*or* by) the above-named debtor, who carries on business at (2) and resides at (3)

(2) Here insert all known business addresses.

(3) Here insert all known residences of the debtor.

I hereby apply for registration of the said petition as a pending action pursuant to Section 2 of the Land Charges Act, 1925.

Dated this day of 19 .

(Signed) *A. B.*

Registrar of the above-named Court.

To the Chief Land Registrar,
Lincoln's Inn Fields,
London, W.C.2.

This application should be addressed to the
Land Charges Superintendent,
H.M. Land Registry,
Lincoln's Inn Fields,
London, W.C.2.

No. 13B.

Application for registration of Petition against a firm under Land Charges Act, 1925.

(TITLE.)

(1)

For use at Land Registry.

(1) Insert Particulars of debtor and petitioner as in petition, all names to be in block capitals.

A petition in bankruptcy was this day presented against (*or* by) the above-named firm, carrying on business at (2)

(2) Here insert all known business addresses.

The names and addresses of the partners in the firm (or where an individual carries on business under a firm name or style the name and address of such individual) against (*or* by) which the petition is presented are or is as follows :—(3)

(3) Here insert names of all partners and their residences.

I hereby apply for registration of the said petition as a pending action pursuant to Section 2 of the Land Charges Act, 1925.

Dated this day of 19 .

(Signed) *A. B.*

Registrar of the above-named Court.

To the Chief Land Registrar,
Lincoln's Inn Fields,
London, W.C.2.

This application should be addressed to the

Land Charges Superintendent,
H.M. Land Registry,
Lincoln's Inn Fields,
London, W.C.2.

No. 33A.

Application for registration of Receiving Order against an individual under Land Charges Act, 1925.

(TITLE.)

(1)

For use at Land Registry.

(1) Insert Particulars of debtor and petitioner as in petition, all names to be in block capitals.

A Receiving Order was made on the day of 19 against the above-named Debtor(s).

I hereby apply for registration thereof in the register of writs and orders affecting land pursuant to Section 6 of the Land Charges Act, 1925.

Dated this day of 19

Official Receiver attached to the above-named Court.

To the Chief Land Registrar,
Lincoln's Inn Fields,
London, W.C.2.

This application should be addressed to the

Land Charges Superintendent,
H.M. Land Registry,
Lincoln's Inn Fields,
London, W.C.2.

LAND CHARGES ACT.

The Local Land Charges Rules, 1925.

I, George Viscount Cave, Lord High Chancellor of Great Britain, by virtue and in pursuance of the Land Charges Act, 1925 (*a*) and all other powers enabling me in this behalf, do hereby make the following Rules for giving effect to Part VI of the said Act.

Local Registrar.

1. For the purpose of the registering of a local land charge the proper officer to act as a local registrar shall be the clerk to the local authority in whose favour the charge is created or by which it is enforceable ; Provided that in the case of the following charges, the proper officer shall be the clerk to the borough or district council in whose borough or district the land affected by the charge is situated :—

(1) local land charges, by whatever local authority imposed, arising or created under any statute, scheme, order or other instrument relating to town planning or under any resolution to prepare or adopt a town planning scheme (hereinafter referred to as a "town planning charge"), except a town planning charge arising or created within the administrative county of London ;

(2) local land charges, other than town planning charges, imposed by the council of a county, borough (including a metropolitan borough and the City of London), or urban or rural district outside the county, borough or district, as the case may be ; and

(3) local land charges, other than town planning charges, imposed by any registering authority, other than the council of a county, borough (including a metropolitan borough and the City of London) or urban or rural district.

Contents of Register.

2. The register of local land charges shall consist of :—

(1) An index, which shall be in the form of a map, unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(*a*) 15 Geo. 5. c. 22.

(2) A register divided into the following parts :—

(*a*) Part I, being a part relating to general charges, other than prohibitions of or restrictions on the user or mode of user of land or buildings ;

(*b*) Part II, being a part relating to specific charges, other than prohibitions of or restrictions on the user or mode of user of land or buildings ;

(*c*) Part III, being a part relating to prohibitions of or restrictions on the user or mode of user of land or buildings which are town planning charges ;

(*d*) Part IV, being a part relating to prohibitions of or restrictions on the user or mode of user of land or buildings which are not town planning charges.

Entries in Part I of the Register.

3. Every entry in Part I of the register shall contain :—

(1) A reference to the statute and, where in the opinion of the local registrar expedient, to the section, order, scheme or instrument under which the charge is proposed to be made :

(2) A sufficient description, by reference to a plan or otherwise, of the land which will be affected by the charge ;

(3) The date of registration of the charge.

Entries in Part II of the Register.

4. Every entry in Part II of the register shall contain :—

(1) A reference to the statute and, where in the opinion of the local registrar expedient, to the section, order, scheme or instrument under which the charge is made ;

(2) A sufficient description, by reference to a plan or otherwise, of the land which is affected by the charge ;

(3) The date of the charge ;

(4) The date of registration of the charge ;

(5) The amount of the charge or, where interest is payable, the amount of the original charge and the rate of interest thereon ;

(6) The name, address and description of the estate owner whose land is affected ;

Provided that where the local authority has no means, without incurring unreasonable expense, of ascertaining the name of the person whose land is affected, the particulars referred to in paragraph (6) may be omitted.

Entries in Part III of the Register where Scheme is not in operation.

5. Where a resolution to prepare or adopt a town planning scheme has been passed by a local authority and has, where necessary, been approved or authorised by the Minister, but the scheme is not in operation, Part III of the register shall contain :—

(1) A certified copy of the resolution to prepare or adopt the scheme and of the Minister's approval or authority, if any ;

(2) A copy of any special or general order for the time being affecting land included in the resolution which may have been made by the Minister under section 4 of the Town Planning Act, 1925 (*a*) or under any statute amending that section.

(3) Notice of the place at which any map, or any statement or draft of any proposed provisions of the scheme referred to in the resolution, approval, authority, or order (or a certified copy of such portion of the same as relates to the district of the authority in whose register the entry is made) may be inspected.

Entries in Part III of the Register where Scheme is in operation.

6. Where a town planning scheme is in operation, Part III of the register shall contain :—

(1) A certified copy of the scheme ;

(2) Notice of the place at which any map, referred to in the scheme, or a certified copy of such portion of the map as relates to the district of the authority in whose register the entry is made, and any orders, consents, approvals or agreements made, given, or entered into under or by virtue of the scheme by the responsible authority under the scheme and relating to the said district, may be inspected.

Entries in Part IV of the Register.

7. Every entry in Part IV of the register shall contain :—

(1) A reference to the statute, order, scheme or instrument under which the prohibition or restriction is enforceable sufficient to show the effect of the prohibition or restriction, and to enable the provision under which the prohibition or restriction is imposed to be identified ;

(2) Notice of the place at which any document referred to in the preceding paragraph other than a public general statute, may be inspected ;

(3) A sufficient description, by reference to a plan or otherwise, of the land affected by the prohibition or restriction.

(*a*) 15 G. 5, c. 16.

Reduction and Cancellation of Charges

8.—(1) Where a general charge has been registered, the registration shall be cancelled within one year after the charge is ascertained and allotted.

(2) Where any other local land charge has been discharged or become unenforceable the registration shall be cancelled.

(3) Where any portion of a local land charge entered in Part II of the register has been discharged by the payment of an instalment or otherwise, the amount paid off the date of payment and the balance of the original charge outstanding shall be entered in the register against the charge.

(4) Where the local authority in whose favour the charge has been created or by which it is enforceable is not the same as the registering authority, the first-mentioned authority shall give to the clerk to the other authority the requisite notice to enable the charge to be cancelled or the entry of a reduction of the charge to be made.

Use of Existing Registers.

9. Where a charge has been registered in any existing register, or other record of the local authority, containing the particulars required by these Rules, and open to inspection, it shall be a sufficient compliance with these Rules if a reference to the register, or other record so kept, sufficient to enable the relevant entry therein to be traced, is recorded against the land affected by the charge in the register kept under these rules.

Searches and Official Certificates of Search.

10.—(1) The provisions of sub-sections (1), (2), (3), (7), (8) and (9) of section seventeen of the Act (which relate to official certificates of search and to the effect of such certificates) shall apply to the registrars and registries of local land charges.

(2) Every requisition for search made under those provisions as applied by this Rule shall be in writing signed by the person making the same or by the solicitor acting for the person requiring the search to be made and defining the land in respect of which the search is to be made by means of a plan drawn to scale or in other manner sufficient to enable the land to be identified.

(3) Requisitions for search and official certificates of search shall be in the form set out in the First Schedule hereto, or in such other form as the Minister may from time to time determine.

Sale of Forms.

11.—(1) All forms of requisitions for search and official certificates of search shall be sold under arrangements to be made by H.M. Stationery Office, or otherwise as the Minister may from time to time approve.

(2) No forms other than those so supplied shall be accepted for the purpose.

Fees.

12. The fees payable for the registration, modification, or cancellation of entries and for searches and official certificates of search shall be those specified in the Order set out in the Second Schedule hereto.

Interpretation.

13.—(1) In these Rules "the Minister" means the Minister of Health.

Short title.

(2) These Rules may be cited as the Local Land Charges Rules, 1925.

Commencement.

(3) These Rules shall come into operation on the first day of January, 1926.

First Schedule.

REQUISITION FOR AN OFFICIAL SEARCH.

Form L.L.C. 1. Official Number

Name of Local Authority.

A search in *Part* of the Register of Local Land Charges of the above-named Authority is required for subsisting entries against the land defined in the enclosed plan.
described below.

Description of land sufficient to enable it to be identified.

A separate form must be used for each separate parcel of land in respect of which search is required.

Signature of Applicant
(or of his Solicitor)

Address

Date

OFFICIAL CERTIFICATE OF SEARCH.

The search in *Part* of the Register of Local Land Charges of the above-named Authority against the land specified in *the plan accompanying* the above requisition.

reveals to date { no subsisting entries. / the subsisting entries set out in the Schedule attached hereto.

Signature of Local Registrar.

Date

Note.—The duplicate of this form must also be filled up.

Form L.L.C. 1 (A).

SCHEDULE TO OFFICIAL CERTIFICATE OF SEARCH.

Official Number

Name of Local Authority

Signature of Local Registrar.

PART I.—REGISTER OF GENERAL FINANCIAL CHARGES.

Nature of charge, and reference to statute and (where in the opinion of the local registrar expedient) section, order, scheme, or instrument under which proposed to be made. 1.	Where charge registered on behalf of another local authority, name of the authority. 2.	Date of registration. 3.

PART II.—REGISTER OF SPECIFIC FINANCIAL CHARGES.

Nature of charge, and reference to statute, and (where in the opinion of the local registrar expedient) section, order, scheme or instrument under which made. 1.	Where charge registered on behalf of another local authority, name of the authority. 2.	Date of charge. 3.	Date of registration of charge 4.	Amount of charge, or where interest is payable, the amount of the original charge and the rate of interest thereon. 5.	Date of last payment. 6.	Balance of original charge outstanding at date of last payment. 7.	Name, address and description of estate owner (where ascertained). 8.

PART III.—REGISTER OF TOWN PLANNING PROHIBITIONS OR RESTRICTIONS.

(*a*) Town Planning Schemes in course of preparation.

Particulars of any entry in the register of any resolution to prepare or adopt a town planning scheme affecting the land in respect of which the search is made, and approval or authority of the Minister of Health, if any.	Particulars of any entry in the register of any special or general order of the Minister of Health in force under section 4 of the Town Planning Act, 1925, or any statute amending that section, affecting the land in respect of which the search is made.	Place at which any map or any statement or draft of any proposed provisions of the scheme referred to in the resolution, approval, authority or order (or a certified copy of such portion of the same as relates to the district of the authority in whose register search is requested) may be inspected.
1.	2.	3.

(*b*) Town Planning Schemes in operation.

Particulars of any entry in the register of any town planning scheme affecting the land in respect of which the search is made.	Place at which any map referred to in the scheme (or a certified copy of the portion of the map relating to the district of the authority in whose register search is requested) and any orders, consents, approvals or agreements made, given, or entered into under or by virtue of the scheme by the responsible authority under the scheme (and relating to the said district) may be inspected.
1.	2.

PART IV.—REGISTER OF OTHER PROHIBITIONS OR RESTRICTIONS.

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1.	2.	3.

Second Schedule.

LAND CHARGES ACT, 1925.

LOCAL LAND CHARGES.

Fee Order.

	s.	*d.*
Fees shall be paid under the Act:—		
1. Registration, where application is made by one local authority to the clerk of another:—		
(i) in Parts I, III and IV of the register, per entry	20	0
(ii) in Part II of the register, per entry	1	6
2. Modification of entry (including any substitution of one order for another or any entry of an additional order in pursuance of paragraph (2) of Rule 5), or cancellation of entry, where application is made by one local authority to the clerk of another ...	1	6
3. Entry of reduction of a charge, where application is made by one local authority to the clerk of another	1	0
4. Personal Search	2	0
and in addition in respect of each entry duly recorded against the land in respect of which the search is made	1	0
5. Official Search (including issue of certificate)	5	0
and in addition in respect of each entry duly recorded against the land in respect of which the search is made	2	0
6. Office Copy of any entry in the register (not including a copy or extract of any plan or document filed in the registry)	2	6
7. Office Copy of any plan or other document filed in the registry, such reasonable fee as may be fixed by the local registrar according to the time and labour involved		
All fees shall be prepaid.		

Dated the 19th day of November, 1925.

Cave, C.

We the undersigned, two of the Commissioners of His Majesty's Treasury, do hereby concur in Rule 12 of the above Rules and in the Fee Order contained in the Second Schedule thereto.

Stanley,
F. C. Thomson.

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5 F. Notice of Alteration in the List of Directors
6 F. Notice of Alteration of Name or Address of the person authorized to accept Service
7 F. Statement of Affairs

(5) FOR WINDING-UP.

No.
822 Liquidator's Account of Receipts and Payments, *2d. each*
823 Continuation Sheets, *2d. each*
824 Affidavit verifying Liquidator's Account, *1d. each*
825 Liquidator's Trading Accounts, *2d. each*
826 Continuation Sheets, *2d. each*
827 List of Dividends or Composition, *2d. each*
828 Continuation Sheets, *2d. each*
829 List of Amounts Paid or Payable to Contributories, *2d. each*
830 Continuation Sheets, *2d. each*
— Companies Cash Book for Board of Trade Audit, *4d. each*
— Companies Cash Book, copy for filing, *2d. each*
LR1 Summary of Liquidator's Accounts under Rule 173, 2/- *quire*
C26 Statement of Affairs. Front sheet
(A) Unsecured Creditors
(B) Creditors fully Secured (not including Debenture Holders)
(C) Creditors partly Secured
(D) Liability of Company on Bills discounted other than their own Acceptances
(E) Other Liabilities [for Value
(F) Preferential Creditors for Rates, Taxes, Salaries and Wages
(G) List of Debenture Holders
(H) Property
(I) Debts due to the Company
(J) Bills of Exchange, Promissory Notes, &c., on hand available as Assets
(K) Unpaid Calls
(L) List of Founders' Shares
(M) List of Ordinary Shares
(N) List of Preference Shares [formation of Company
(O1) Deficiency Account where Winding-up Order made within three years of
(O2) Do. Order made more than three years after formation of Company
(P) In substitution for such lists A to O as will have to be returned blank
2d. each
C W U No. 3. Form of Summons—General, 1/- *per dozen*
C A 60A. General and Special Proxies combined (Voluntary), *1s. 6d. per dozen*
C A 60B. Proof of Debt (Voluntary), *1s. 6d. per dozen*
C A 61B. Notice of Dividends, 2/6 *per quire*
C 63. Affidavit of Proof of Debt, *1s. 6d. per dozen*
C 66A. List of Proofs to be filed under Rule 110 and 111
C 66B. Continuation Sheets
C 67. Notice to Creditors of intention to declare Dividend
C 68. Certified List of Proofs and application for Dividend Cheques
C 70. Notice to Persons claiming to be Creditors of intention to declare Final Dividend
C 71. Notice of Dividend (Compulsory Winding-up)
C 72. Authority to Liquidator to pay Dividends to another person
C 87. Affidavit verifying Liquidator's Account under Section 155
C 88. Liquidators Accounts under Section 155
C 88A. Affidavit verifying Liquidators Account under Section 155
C 98. Notice to Creditors and Contributories of intention to apply for Release
C 99. Application by Liquidator to Board of Trade for Release
C 100. Statement to accompany Notice of Application for Release (Rule 197)
2s. quire

JOINT STOCK COMPANIES' BOOKS.

FOOLSCAP FOLIO BOOKS.	Size of Leaf in inches.	For 25 Share-hold'rs	For 50 Share-hold'rs	For 100 Share-holdr's	For 200 Share-hold'rs
		s. d.	s. d.	s. d.	s. d.
COMBINED REGISTER OF MEMBERS, comprising in one book—					
REGISTER OF APPLICATIONS AND ALLOTMENT OF SHARES REGISTER OF MEMBERS AND SHARE LEDGER REGISTER OF TRANSFERS REGISTER OF DIRECTORS REGISTER OF MORTGAGES OR CHARGES REGISTER OF DEBENTURES REGISTER OF PROBATES ANNUAL SUMMARY, LISTS OF SHAREHOLDERS AND DIRECTORS (FOR 6 YEARS) Indexed at front, and a projecting tab to show each pattern.	Half basil, cloth sides Whole bound red grained basil	12½ × 8	16 6	18 6	25 0	33 0
		12½ × 8	22 6	26 6	32 6	40 0
REGISTER OF MEMBERS AND SHARE LEDGER ONLY, half basil, cloth sides		12½ × 8	7 6	9 0	13 0	16 6
REGISTER OF MEMBERS AND SHARE LEDGER ONLY, whole bound, red grained basil		12½ × 8	15 0	17 0	21 0	25 0

		25 openings		50 openings		100 openings	
		s.	d.	s.	d.	s.	d.
REGISTER OF MEMBERS FOR GUARANTEE COMPANY, half basil, cloth sides	12½ × 8	10	0	14	6	19	0
REGISTER OF APPLICATIONS AND ALLOTMENT OF SHARES, half basil, cloth sides	12½ × 8	9	0	12	6	15	6
REGISTER OF APPLICATIONS AND ALLOTMENT OF SHARES, whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF TRANSFERS, half basil, cloth sides	12½ × 8	9	0	12	6	15	6
" " " whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF DIRECTORS, half basil, cloth sides	12½ × 8	9	0	12	6	15	6
" " " whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF MORTGAGES OR CHARGES, half basil, cloth sides	12½ × 8	10	6	13	6	16	6
REGISTER OF MORTGAGES OR CHARGES, whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF DEBENTURES, half basil, cloth sides	12½ × 8	9	0	12	0	15	6
" " " whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF TRANSFERS OF DEBENTURES, half basil, cloth sides	12½ × 8	10	6	13	6	16	6
REGISTER OF TRANSFERS OF DEBENTURES, whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF DEBENTURE STOCK HOLDERS, half basil, cloth sides	12½ × 8	10	6	13	6	16	6
REGISTER OF DEBENTURE STOCK HOLDERS, whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF TRANSFERS OF DEBENTURE STOCK, half basil, cloth sides	12½ × 8	10	6	13	6	16	6
REGISTER OF TRANSFERS OF DEBENTURE STOCK, whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF DOCUMENTS SEALED, half basil, cloth sides	12½ × 8	9	0	12	6	15	6
" " " " whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
REGISTER OF PROBATES, half basil, cloth sides	12½ × 8	10	6	13	6	16	6
" " " whole bound, red grained basil	12½ × 8	18	0	22	0	26	6
MEDIUM FOLIO BOOKS.							
REGISTER OF MEMBERS AND ANNUAL LIST OF SHAREHOLDERS AND DIRECTORS, whole bound, red grained basil	16 × 10¼	21	0	28	6	42	0
REGISTER OF TRANSFERS, whole bound, red grained basil	16 × 10¼	21	0	28	6	42	0
REGISTER OF APPLICATIONS AND ALLOTMENT OF SHARES, whole bound, red grained basil	16 × 10¼	21	0	28	6	42	0
REGISTER OF PROBATES, whole bound, red grained basil	16 × 10¼	21	0	28	6	42	0

JOINT STOCK COMPANIES' BOOKS—*continued.*

	Size of Leaf in inches.	3 Qrs.	4 Qrs.	5 Qrs.	6 Qrs.
		s. d.	s. d.	s. d.	s. d.
F'cap Folio SHARE LEDGER, whole bound, red grained basil .	12½ × 8	32 6	37 0	42 6	47 6
Demy Folio „ „ „ „ „ „ .	14½ × 9½	37 0	44 0	50 0	58 0
F'cap Folio MINUTE BOOK, half basil, cloth sides, 1½ qr. 7s. 0d.	12½ × 8	13 6	16 0	19 6	22 6
„ „ „ „ indexed and paged, 1½ qr. 7s. 6d.		14 0	16 6	20 0	23 6
„ „ „ „ whole bound, red grained basil, 1½ qr. 17s. 0d.	12½ × 8	21 0	24 0	28 6	33 0
„ „ „ „ indexed and paged, 1½ qr. 17s. 6d.		22 0	25 0	29 6	34 0
Demy Folio MINUTE BOOK, whole bound, red grained basil .	14½ × 9½	27 0	31 0	36 0	42 6
F'cap Folio AGENDA BOOK, half basil, cloth sides, 1½ qr. 7s. 0d.	12½ × 8	13 6	16 0	19 6	22 6
„ „ „ „ whole bound, red grained basil .	12½ × 8	21 0	24 0	28 6	33 0
Demy Folio AGENDA BOOK, whole bound, red grained basil .	14½ × 9½	27 0	31 0	36 0	42 6
F'cap Folio REGISTER OF LETTERS RECEIVED, half basil, cloth sides . . . . . 4 quires	12½ × 8	18 6			
F'cap Folio CALL BOOK, printed and perforated for 1,000 calls, quarter bound	12½ × 8	6 0			
F'cap Long 4to CALL BOOK, printed and perforated for 400 calls, with blank leaves for carbon duplicates, quarter bound	12½ × 4	4 0			
F'cap 4to DIRECTORS' ATTENDANCE BOOK, limp roan 40 pp. .	8 × 6½	5 0			
„ „ „ „ „ 80 pp. .	8 × 6½	7 0			

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Rough calf	22 6	26 0	30 6	35 0	—
Green vellum . . .	37 0	42 0	46 6	52 0	—
DEMY— Red grained basil . .	27 0	32 0	37 0	42 6	51 6
Rough calf	32 6	36 0	41 6	47 0	54 0
Green vellum . . .	43 0	49 0	53 6	59 0	71 0

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	s. d.	s. d.	s. d.	s. d.	s. d.
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Half rough calf, cloth sides .	16 6	19 0	21 6	24 0	—
DEMY— Half basil, cloth sides, or whole green cloth . .	19 0	22 0	26 0	30 0	35 6
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